

## TITLE 5 - COURTS

### CHAPTER 1 - IN GENERAL

#### **5-1-101. Qualifications of judges of supreme court and district court.**

No person shall be eligible for election or appointment to the office of justice of the supreme court, or to the office of judge of the district court, unless he shall possess the qualifications prescribed for such office by the constitution of the state of Wyoming and shall have practiced law in the state of Wyoming at least one (1) year immediately preceding his election or appointment.

#### **5-1-102. Terms of judicial nominating commission members; expenses; removal.**

(a) The terms of the elected and appointed voting members of the judicial nominating commission created by Article 5, Section 4, Wyoming Constitution, shall be four (4) years except the initial term for one (1) attorney and one (1) elector shall be two (2) years and the initial term for one (1) attorney and one (1) elector shall be three (3) years. The members of the Wyoming state bar initially elected to the commission shall draw lots to determine the term each shall serve. The governor shall designate whether the length of the term of electors he initially appoints to the commission shall be two (2), three (3) or four (4) years. The governor may remove any member he appoints as provided in W.S. 9-1-202.

(b) The members of the judicial nominating commission, including any advisors, shall not receive any fees, salary or other compensation for services rendered but are entitled to receive per diem and mileage on the same basis and at the same rate as state employees and reimbursement for any other actual and necessary expenses incurred in the performance of commission duties.

#### **5-1-103. Terms of members of the commission on judicial conduct and ethics; removal; expenses.**

(a) The terms of members of the commission on judicial conduct and ethics shall be those set out in Article 5, Section 6, Wyoming Constitution, and the rules adopted by the supreme court as authorized by that constitutional provision.

(b) Members of the commission on judicial conduct and ethics may be removed in accordance with rules adopted by the supreme court in accordance with Article 5, Section 6, Wyoming Constitution. Members appointed to the commission by the governor may also be removed in accordance with W.S. 9-1-202.

(c) The members of the commission on judicial conduct and ethics shall not receive any fees, salary or other compensation for services rendered but are entitled to receive per diem and mileage on the same basis and at the same rate as state employees and reimbursement for any other actual and necessary expenses incurred in the performance of the commission's duties, but in any event such reimbursement shall not exceed funds specifically appropriated by the legislature for the benefit of the commission.

**5-1-104. Retroactive application of provisions as to qualifications.**

This act shall have no retroactive application, and shall not affect the incumbency of any present district judge.

**5-1-105. Salaries of justices of supreme court and judges of district courts.**

Subject to the provisions of article 5, section 17 of the Wyoming constitution as amended, the justices of the supreme court and the judges of the district court shall receive annual salaries as provided by law which shall be paid in monthly installments at the end of each month, and upon request, the state auditor shall draw warrants upon the state treasurer accordingly, in favor of said justices and judges.

**5-1-106. Retirement of judges of the supreme court or district courts; pension; assignment of retired judges.**

(a) A judge of the supreme court or district courts shall retire when he attains the age of seventy (70) years. A judge is eligible for retirement when he has served as a judge of the supreme court, a district court or both for:

(i) Not less than eighteen (18) years;

(ii) Not less than fifteen (15) years and is sixty-five (65) years of age or more;

(iii) Not less than twelve (12) years and is seventy (70) years of age or more;

(iv) Not less than six (6) consecutive years and is sixty-five (65) years of age or more;

(v) Less than six (6) years but continuously from the date of appointment to the age of seventy (70) years;

(vi) Not less than twelve (12) years and is fifty-five (55) years of age or more;

(vii) Not less than six (6) years and dies in office or is retired by the supreme court for disability.

(b) Retired judges shall receive a maximum lifetime annual pension of fifty percent (50%) of the salary currently authorized by law for judges of the court from which they retired. The pension of a judge retiring under paragraph (a)(iv), (v), (vi) or (vii) of this section shall be that proportion of the maximum allowable pension which the aggregate number of years of his judicial service bears to eighteen (18) years. The pension shall increase or diminish proportionately as salaries of judges of the respective courts change. The pension of any judge who retires under paragraph (a)(iv) of this section at the age of seventy (70) with not less than six (6) but less than twelve (12) years service shall be that proportion of the maximum allowable pension which the aggregate number of years of judicial service bears to twelve (12) years.

(c) To retire and receive a pension, a judge shall notify in writing the governor and the state auditor the date he elects to retire and shall furnish with the notice an affidavit showing the date and place of his birth and his service as a judge entitling him to a pension, provided, that a judge whose service is terminated by expiration of the term for which he is elected or appointed and whose service is such as to otherwise entitle him to receive the pension herein provided, shall be deemed to have retired.

(d) This section shall apply to judges who were appointed prior to July 1, 1998 and to judges who have retired and are receiving benefits under this section. Judicial retirement for justices and judges appointed to the bench on or after July 1, 1998 is provided pursuant to W.S. 9-3-701 through 9-3-713.

(e) Any judge who is otherwise eligible to receive a pension may receive the benefits accorded by this section if he retires on the day of attainment of the age of seventy (70) years, or prior thereto, provided that if he is a judge on the effective date of this act, he may complete the present term for which he was elected or appointed without the loss of any pension benefits accorded by this section.

(f) Any justice of the supreme court or district court judge of this state, who has retired pursuant to the provisions of this section, and who is not practicing law, may, notwithstanding his retirement, be called upon, with his consent, at the request of a district court judge, with the consent of the chief justice, or by the chief justice, and assigned to service on any court. A retired justice or judge shall receive as a salary during any period of assignment an amount equal to the current compensation of a judge of the court to which he is assigned. The salary received by a retired justice or judge during any period of assignment shall not affect the receipt of any retirement allowance received by the retired justice or judge during the period of assignment. Assignments of retired justices or judges under this section shall only be made in a manner that does not jeopardize the qualified status of state retirement plans established by the Wyoming legislature. When called to serve, a retired judge or justice shall receive the same per diem and travel allowances as allowed active judges or justices. Per diem, allowances and compensation shall be paid from the contingent fund of the court to which the judge or justice is assigned.

(g) In lieu of the service retirement allowances provided in subsection (b) of this section, any judge specified in subsection (a) of this section may elect one (1) of the following forms of retirement benefits which shall be the actuarial equivalent of the allowance to which he would otherwise be entitled as determined by the actuary for the state retirement system:

(i) A full joint and survivor benefit which provides reduced monthly service retirement benefit payments during the retired member's life and upon his death after retirement continues payments in the same reduced amount to a designated beneficiary during the life of that beneficiary;

(ii) A half joint and survivor benefit which provides reduced monthly service retirement benefit payments during the retired member's life and upon his death after retirement

continues payments, in the amount of one-half (1/2) of such reduced amount, to the designated beneficiary during the life of that beneficiary.

(h) A judge who is eligible for retirement may elect one (1) of the retirement benefit forms in subsection (g) of this section during the time the judge is serving in office. Payment of the pension or survivor benefit shall commence upon the retirement of the judge or upon the death of the judge while serving in office, based on the years of service at retirement or death in office. If a survivor benefit was elected as provided in paragraph (g) of this section by a judge who is no longer in active service and dies before retirement, the survivor benefit shall commence upon the earliest date the judge would have been eligible to retire unless the designated beneficiary elects a later date.

**5-1-107. Personal jurisdiction; service of process outside state.**

(a) A Wyoming court may exercise jurisdiction on any basis not inconsistent with the Wyoming or United States constitution.

(b) When the exercise of personal jurisdiction is authorized by this section, service may be made outside this state and proved according to the Wyoming Rules of Civil Procedure or any order of the court.

**5-1-108. Concurrent jurisdiction of the United States over certain lands in Wyoming.**

(a) Concurrent jurisdiction over crimes and offenses under the laws of the state of Wyoming is hereby ceded to the United States over and within all the territory dedicated to national park, monument, historic site or public recreational purposes included in tracts of land in Wyoming designated as:

- (i) Grand Teton National Park;
- (ii) John D. Rockefeller, Jr. Memorial Parkway;
- (iii) Bighorn Canyon National Recreation Area;
- (iv) Devils Tower National Monument;
- (v) Fort Laramie National Historic Site; and

(vi) Fossil Butte National Monument.

(b) The concurrent jurisdiction ceded by subsection (a) of this section shall be vested upon acceptance by the United States by and through its appropriate officials, and shall continue so long as the lands within the designated areas are dedicated to national park, monument, historic site or public recreational purposes.

**5-1-109. Deaf and mute persons; rights enumerated.**

(a) In all civil or criminal cases in which a deaf or mute person is a party or in a grand jury proceeding where the person is a witness, the presiding judge shall upon petition appoint a qualified interpreter to assist the court and deaf person during the proceedings. The cost for the interpreter's services may be assessed as court costs.

(b) When a person who is deaf or mute is arrested for an alleged criminal violation, he may request the appointment of an interpreter. Unless the interpreter's services are waived by the deaf or mute person, or unless the interrogation is conducted entirely in writing in the case of a deaf or mute person able to read and write, he shall not be required to submit to interrogation or make a statement unless the interpreter is present.

(c) An interpreter appointed under this section shall serve the deaf or mute person and the court and shall in no instance offer legal counsel, advice or assistance to the deaf or mute person.

**5-1-110. Salaries of judges.**

(a) Subject to constitutional and statutory provisions concerning when salaries can become effective, judges of the supreme court, district courts, chancery courts and circuit courts shall receive the following annual salaries which shall be paid in equal monthly installments on the last working day of the month:

(i) Supreme court justices shall receive an annual salary of one hundred sixty-five thousand dollars (\$165,000.00) commencing July 1, 2012 and one hundred seventy-five thousand dollars (\$175,000.00) commencing July 1, 2019;

(ii) District court judges shall receive an annual salary of one hundred fifty thousand dollars (\$150,000.00) commencing July 1, 2012 and one hundred sixty thousand dollars (\$160,000.00) commencing July 1, 2019;

(iii) Circuit court judges shall receive an annual salary of one hundred twenty-five thousand dollars (\$125,000.00) commencing July 1, 2017 and one hundred forty-five thousand dollars (\$145,000.00) commencing July 1, 2019;

(iv) Chancery court judges shall receive an annual salary equal to the judges of the district courts.

(b) In addition to the salaries provided in subsection (a) of this section, the legislature may provide through the budget process salary cost of living increases comparable to the increases provided to other state employees. Any such cost of living salary increases shall be specifically stated in a footnote to the budget bill by stating the total appropriation required as a result of any such increases along with the new salary amount to be provided to the supreme court, district court and circuit court. Any salary increase under this subsection shall be subject to constitutional and statutory provisions concerning when salaries can become effective.

**5-1-111. Full faith and credit for tribal acts and records.**

(a) The judicial records, orders and judgments of the courts of the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation shall have the same full faith and credit in the courts of this state as do the judicial records, orders and judgments of any other governmental entity, unless at least one (1) of the following conditions is shown not to be met:

(i) The tribal documents meet the authentication requirements of subsection (b) of this section;

(ii) The court is a court of record;

(iii) The court judgment is a valid judgment; and

(iv) The court certifies that it grants full faith and credit to the judicial records, orders and judgments of the courts of this state.

(b) To qualify for admission as evidence in the courts of this state:

(i) Copies of acts of a tribal legislative body shall be authenticated in accordance with the laws of the tribes and attested to by the appropriate tribal secretary;

(ii) Copies of records, orders and judgments of a tribal court shall be authenticated by the attestation of the clerk of the court. The seal, if any, of the court shall be affixed to the attestation.

(c) In determining whether a tribal court is a court of record, the Wyoming court shall determine that:

(i) The court keeps a permanent record of its proceedings;

(ii) Either a transcript or an electronic recording of the proceeding at issue in the court is available;

(iii) Final judgments of the tribal court are reviewable by a tribal appellate court; and

(iv) The court has authority to enforce its own orders through contempt proceedings.

(d) In determining whether a tribal court judgment is a valid judgment, the Wyoming court on the motion of a party may examine the tribal court record to assure that:

(i) The court had jurisdiction of the subject matter and over the person named in the judgment;

(ii) The judgment is final under the laws of the rendering court;

(iii) The judgment was procured without fraud, duress or coercion;

(iv) The judgment was procured in compliance with procedures required by the rendering court; and

(v) The proceedings of the court comply with the Indian Civil Rights Act of 1968 under 25 U.S.C. §§ 1301 to 1341.



(e) No lien or attachment based on a tribal court judgment may be filed, docketed or recorded in this state against the real or personal property of any person unless the judgment has been filed following the procedures set forth in W.S. 1-17-701 et seq.

(f) This section shall not apply to the Tribal Water Code nor any official documents, public acts, records or proceedings of the Eastern Shoshone and Northern Arapaho Tribes related to water rights or the administration of water laws.

(g) Nothing in this section shall be deemed or construed to expand or limit the jurisdiction either of the state of Wyoming or the Eastern Shoshone or Northern Arapaho Tribes.

## CHAPTER 2 - SUPREME COURT

### ARTICLE 1 - IN GENERAL

#### **5-2-101. Regular terms.**

There shall be held at the capital of the state two (2) regular terms of the supreme court in each year, one (1) commencing on the first Monday of April, and one (1) commencing on the first Monday of October.

#### **5-2-102. Number of justices; chief justice; head of judicial system.**

The supreme court of Wyoming shall consist of five (5) justices. The justices shall choose one (1) of their number to serve as chief justice, who shall serve at the pleasure of a majority of the court. The supreme court is the head of the state judicial system, and the chief justice is the chief administrator of the duties prescribed by law to be performed by the court.

#### **5-2-103. Special terms.**

In addition to the regular terms of the supreme court, as fixed by law, special terms of said court may be held for the transaction of all business, when ordered by a majority of the justices of said court.

#### **5-2-104. One day notice of special term; order.**

A special term of the supreme court shall be called upon not less than one (1) day's notice by an order directed to the clerk

thereof, signed by the justices of the court ordering said special term, and specifying the time and place of holding the same; and upon the receipt of said order, the clerk of said court shall immediately notify the bailiff and all officials of said court, and such members of the court as shall not have signed the order, of the contents of such order, and such order shall be spread at large upon the journal of the court on the record of the proceedings of the first day of said special term.

**5-2-105. Transaction of business at special term; not to interfere with regular term.**

At any special term of the supreme court it shall be lawful to transact all business that can be transacted by the court at a regular term thereof, but no cause, action or proceeding shall be heard at such special term without the consent of the parties thereto, unless the matter presented be an ex parte application, that may be granted without notice to the adverse party. The ordering or holding of a special term of said court shall in no wise interfere with any regular term or adjourned regular term thereof.

**5-2-106. Quorum.**

A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business. If there shall not be a quorum of the justices present on the first day of any adjourned or regular term of the supreme court, the court shall stand adjourned from day to day, until a quorum shall be present, and the said court may, there being a quorum present, adjourn from time to time to any date deemed proper.

**5-2-107. Causes may be matured to adjourned terms.**

It shall be lawful to mature causes to any adjourned term or terms of the supreme court, the same as to the beginning of any term of the supreme court, and it shall be competent for the said court to hear and determine causes at any such adjourned term or terms, the same as though heard and determined at any regular term of the said court, and as though such causes were on the calendar or docket at the commencement of any regular term thereof.

**5-2-108. Process.**

All process issued out of the supreme court, shall bear teste in the name of the chief justice and shall be signed by the clerk of said court, sealed with its seal, made returnable according to law, and the same shall be executed by the officer or person to whom the same is directed.

**5-2-109. Undisposed proceedings to stand continued.**

All matters, suits and proceedings undisposed of at any term of the supreme court shall stand continued to the next succeeding regular or adjourned term thereof.

**5-2-110. Opinions to be in writing and filed; dissenting opinion.**

The opinion of the justices of the supreme court on any matter pending before it, shall be given in writing and be filed with the papers in the case, and when the justices thereof are divided in opinion in any case, the fact of such division shall be stated in the opinion and the dissenting justice may file his opinion.

**5-2-111. Seal.**

The seal of the supreme court shall be that of the state of Wyoming, substituting the words "Supreme Court of the State of Wyoming" around the vignette of said seal.

**5-2-112. Justices not to practice law.**

No justice of the supreme court shall practice as an attorney in any of the courts of this state, nor give advice touching any cause pending, or to be brought therein.

**5-2-113. Rules of practice for supreme court; effect of rules.**

It shall be the duty of the supreme court, from time to time, to prescribe rules of practice for said court, not inconsistent with the constitution or laws of this state, and when said rules are adopted by said court, the same shall be as binding upon the court, and the attorneys thereof, and the parties having business therein as though the same were enactments of the legislature of the state.

**5-2-114. Rules and forms governing pleading, practice and procedure in all courts; power to adopt, modify and repeal.**

The supreme court of Wyoming may from time to time adopt, modify and repeal general rules and forms governing pleading, practice and procedure, in all courts of this state, for the purpose of promoting the speedy and efficient determination of litigation upon its merits.

**5-2-115. Rules and forms governing pleading, practice and procedure in all courts; application of rules.**

(a) Such rules may govern:

(i) The forms of process, writs, pleadings and motions and the subjects of parties, depositions, discovery, trials, evidence, judgments, new trials, provisional and final remedies and all other matters of pleading, practice and procedure; and

(ii) Any review of or other supervisory proceedings from the judgment or decision of any court, board, officer, or commission when such review is authorized by law.

(b) Such rules shall neither abridge, enlarge nor modify the substantive rights of any person nor the jurisdiction of any of the courts nor change the provisions of any statute of limitations.

**5-2-116. Rules and forms governing pleading, practice and procedure in all courts; rules to be entered in proceedings; effective date; notice.**

Upon the adoption of any rule or form the supreme court shall enter it in its proceedings and shall fix the date upon which such rule or form shall become effective but such effective date shall be at least sixty (60) days after notice thereof has been published by the supreme court in such publication as it may designate. From and after the effective date of any such rule or form all laws in conflict therewith shall be of no further force or effect.

**5-2-117. Rules and forms governing pleading, practice and procedure in all courts; appointment and duties of advisory committee.**

The supreme court shall appoint an advisory committee to make recommendations from time to time with respect to pleading, practice and procedure. Such committee shall hold hearings upon

proposed rules in such manner and upon such notice as the supreme court prescribes and report to the court from time to time such recommendations as it deems proper.

**5-2-118. Adoption of rules and regulations relative to the practice of law.**

(a) The supreme court of Wyoming shall, from time to time, adopt and promulgate such rules and regulations as the court may see proper:

(i) Prescribing a code of ethics governing the professional conduct of attorneys at law;

(ii) Organizing and governing a bar association of the attorneys at law of this state to act as an administrative agency of the supreme court of Wyoming for the purpose of enforcing such rules and regulations as are prescribed, adopted, and promulgated by the supreme court under this act [section], providing for the government of the state bar as a part of the judicial department of the state government and for such divisions thereof as the supreme court shall determine, and requiring all persons practicing law in this state to be members thereof in good standing, and fixing the form of its organization and operation;

(iii) Establishing practice and procedure for disciplining, suspending, and disbarring attorneys at law, including suspending attorneys for failure to pay child support as specified in W.S. 20-6-112.

**5-2-119. Appeals from courts of limited jurisdiction.**

Notwithstanding any other provision of law, any case in which original jurisdiction is in a municipal court or a circuit court may be appealed to the district courts and thereafter to the Wyoming supreme court only if the supreme court grants a writ of certiorari agreeing to hear the appeal. The Wyoming supreme court shall adopt procedures under which the court will grant or deny appeals to the court in such cases and provide the standards and extent of review.

**5-2-120. Judicial systems automation account created; purposes; court information technology equipment.**

(a) There is created an account entitled the "judicial systems automation account." No funds shall be expended from the

account unless and until the legislature appropriates the funds. Funds within the account shall be used by the supreme court for the purchase, maintenance and operation of computer hardware, including court information technology equipment, and software to enhance the communication, records and management needs of the courts of the judicial branch of the state of Wyoming. Interest accruing to this account shall be retained therein and shall be expended for the purposes provided in this section, as appropriated by the legislature. Annually, the supreme court shall develop a plan for all trial and appellate courts within the state for the expenditure of funds from the account. Prior to implementation, the plan shall be annually submitted to the joint appropriations interim committee and joint judiciary interim committee for review and comment.

(b) Implementation of court information technology equipment that requires alteration of a county building pursuant to W.S. 18-2-103(b) shall be accomplished in consultation with the board of county commissioners or the board's appointed designee.

(c) The supreme court shall install court information technology equipment in all state court facilities in a phased approach. Upon installation of court information technology equipment in a state court facility, the supreme court shall maintain and support the equipment installed by the supreme court.

(d) As used in this section:

(i) "Court information technology equipment" means hardware equipment located in state court facilities necessary to meet, but not exceed, court information technology equipment standards adopted by the board of judicial policy and administration;

(ii) "State court facility" includes circuit, chancery and district courtrooms, circuit and district court jury rooms, circuit, chancery and district court judges' chambers and the offices of circuit and chancery court clerks.

**5-2-121. Indigent civil legal services account created; purposes.**

(a) There is created the indigent civil legal services account to be administered by the supreme court. The account shall receive all funds paid to the state treasurer from the

fees imposed to support indigent civil legal services, pursuant to W.S. 2-2-401, 5-2-202, 5-3-205, 5-3-206, 5-6-108, 5-6-204, 5-6-303, 5-9-135, 5-9-144, 6-10-102 and 6-10-103. Funds within the account shall be used by the supreme court for the establishment and operation of a statewide program to provide civil legal services to indigent individuals within the state. Interest accruing to this account shall be retained in the account and shall be expended for the purposes provided in this section. No funds shall be expended from the account until the legislature appropriates the funds.

(b) For the fiscal biennium commencing July 1, 2012 and each fiscal biennium thereafter, the supreme court shall include in its proposed budget a biennial budget and plan for the account. Each biennial plan and proposed budget shall be submitted to the joint appropriations interim committee and the joint judiciary interim committee. Each biennial plan submitted under this subsection beginning with the biennium commencing July 1, 2012 shall include case statistics and program costs for the preceding biennium. The joint judiciary interim committee may submit any comments it deems appropriate to the joint appropriations interim committee.

(c) The supreme court shall provide for the conduct of audits of the account on a biennial basis beginning July 1, 2011. The audits shall be available for public review.

**5-2-122. Indigent civil legal services program created; purposes.**

(a) An indigent civil legal services program is created to be operated in accordance with the following:

(i) The supreme court shall develop a comprehensive plan for funding a statewide program of civil legal services to the indigent from the account. By November 1, 2010 and again by May 1, 2011, the court shall submit to the joint appropriations interim committee and the joint judiciary interim committee reports on the plan of operation for the program;

(ii) The supreme court may operate the program directly, or contract with a nonprofit organization to operate the program;

(iii) The court shall adopt rules and regulations for the program prior to implementation subject to the following:

(A) In adopting rules and regulations governing the program the court shall set the following priorities, which are not intended to be exclusive, but to provide direction on the management and operation of the program:

(I) Cases in which an indigent individual is a defendant in a lawsuit;

(II) Cases in which an indigent individual is seeking to enforce a court order;

(III) Cases involving domestic relations and family law;

(IV) Matters involving general legal advice to indigent individuals.

(B) In adopting rules and regulations governing the program, the court shall prohibit the program from providing legal representation in the following areas:

(I) Cases seeking tort damages;

(II) Criminal defense;

(III) Cases against public agencies or political subdivisions seeking to change or overturn existing rules, regulations and policies. This prohibition shall not limit the program's ability to represent indigent individuals who are seeking benefits that may be owed them by public entities.

(iv) The rules shall establish eligibility standards for the receipt of services. The eligibility standards shall require that civil legal services be funded from the account only for individuals whose total household income does not exceed two hundred percent (200%) of the federal poverty level;

(v) The program shall be operated in coordination with other publicly or privately funded programs providing civil legal services to the indigent with a goal of developing an integrated system for the delivery of indigent civil legal services on a statewide basis by July 1, 2011;

(vi) The program shall be coordinated with the Wyoming state bar and other entities on private attorney



involvement, pro bono civil legal services and educational programs;

(vii) For funding under the program, the program shall establish a statewide single point of entry for indigent civil legal services or establish other operations that allow for simplified and easily available access to the program;

(viii) The program may grant funds to existing eligible programs to assist in providing civil legal services and may be used to enhance the civil legal services that the existing programs are providing;

(ix) The program may receive grants and donations which shall be deposited to the account;

(x) The program shall establish uniform standards for the delivery of civil legal services and operate programmatic and fiscal management programs to ensure accountability for all funds.

#### **5-2-123. Supreme court budget submittal.**

The supreme court shall submit standard and supplemental budget requests to the legislature not later than November 1 of the year preceding the fiscal year in which the standard or supplemental budget is to take effect. Subject to W.S. 9-2-1003.1(d), the supreme court shall prepare all personal services budget requests using the same methods and practices as the executive branch.

### **ARTICLE 2 - CLERK**

#### **5-2-201. Duties generally.**

The clerk of the supreme court shall be subject to and perform the duties, prescribed for him by the supreme court, and as or may be prescribed by law. He shall collect in advance, all fees hereinafter enumerated to be paid for his services as such officer.

#### **5-2-202. Collection of fees.**

The clerk of the supreme court shall collect the following fees from the plaintiff in error or appellant, or in case of an original proceeding the plaintiff or relator shall, at the time of filing the petition in error or record on appeal or when

commencing the cause in this court, the sum of seventy-five dollars (\$75.00). At the time of filing, the clerk also shall collect a court automation fee in the amount of fifty-five dollars (\$55.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120, and an indigent civil legal services fee in the amount of ten dollars (\$10.00) which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121. Other fees or charges to be assessed within the clerk's office are to be determined under rules of the supreme court.

**5-2-203. Salary.**

The clerk of the supreme court shall receive an annual salary as provided by law which shall be paid in monthly installments at the end of each month, and the auditor shall draw warrants upon the treasurer payable to said clerk in payment of such salary.

**5-2-204. Oath and bond.**

The clerk of the supreme court shall take oath before one (1) of the justices of said court prescribed for state officers by the constitution of the state, and shall give a bond to the state of Wyoming in such sum as shall be prescribed by the court, which bond shall be for the faithful accounting for all moneys that shall come into his hands as clerk, and for the faithful discharge of his duty, and shall be approved by the chief justice, and filed with the auditor of the state.

**5-2-205. Deputy clerk; appointment; residence requirement; oath; salary.**

The clerk of the supreme court may, by and with the consent of the justices of the supreme court, or a majority thereof, appoint a deputy clerk, who shall reside where the supreme court is held. The deputy shall take and subscribe a like oath with his principal and may perform all the duties of the office in the name of his principal, and the attestation of the deputy to all decrees, orders and processes, shall have the same effect and force as if issued by his principal. The deputy clerk shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid.

**5-2-206. Deputy clerk; appointment to be entered on record; term.**

Said appointment shall be entered on the records of said supreme court, and shall hold good until revoked, and both appointment and revocation, may be made as well in vacation as in term time.

**5-2-207. Deputy clerk; liability of clerk for acts of deputy.**

The clerk of the supreme court shall be liable on his official bond for all the acts of his deputy as clerk.

ARTICLE 3 - BAILIFF

**5-2-301. Office created; appointment; term.**

There shall be a bailiff of the supreme court, who shall be appointed by the justices of said court, and who shall hold his office during the pleasure of said justices.

**5-2-302. Powers and duties generally.**

It shall be the duty of said bailiff to attend the sessions of said court and preserve order therein; and he shall possess authority to execute and serve summons in error, and other writs and orders, issued out of and under the seal of said court, and orders issued by the justices of said court or either of them; and he shall perform such other duties as may be required of him by said court or the justices thereof.

**5-2-303. Fees.**

The bailiff of the supreme court, for serving any summons in error, or order, shall collect and pay into the state treasury, the same fee which is provided by law for sheriffs for similar services.

**5-2-304. Salary.**

The bailiff shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid.

ARTICLE 4 - PUBLICATION OF DECISIONS

**5-2-401. Authority to contract for publication of reports.**

The supreme court of the state of Wyoming is hereby vested with full and complete authority to arrange and contract for timely

publication of its opinions from time to time, as may be required, and the legislature shall make adequate appropriation to defray the expenses thereof.

**5-2-402. Distribution of copies of reports.**

The books delivered to the librarian shall be distributed as provided in this section. One (1) copy of each volume shall upon request be delivered to each justice of the supreme court and to each district judge there shall upon request be delivered as many copies as he has counties in his district. The books shall be retained in the offices of said officials and by them delivered to their respective successors in office. One (1) copy may be furnished to the library of the supreme court of the United States at Washington, one (1) copy to the office of the attorney general of the United States, and one (1) copy to the United States district court for the district of Wyoming. The remaining copies may be used in exchange for the reports of other states and territories and governments as may be determined upon by the justices of the supreme court, and a reasonable number may be kept in the state law library.

**5-2-403. Repealed By Laws 2013, Ch 6, § 2.**

ARTICLE 5 - LAW LIBRARY

**5-2-501. Expenditures.**

The judges of the supreme court shall superintend and direct all expenditures of money for the law library.

**5-2-502. Session law exchange.**

Upon request, the state law librarian may send to the library of each state and territory of the United States, free of expense, one (1) copy of the session laws of this state in exchange for the laws of the requesting state or territory. All the laws received in the exchange shall be deposited by the state law librarian in the state law library and become the property of this state.

CHAPTER 3 - DISTRICT COURTS

ARTICLE 1 - IN GENERAL

**5-3-101. Judicial districts enumerated; terms of court.**

(a) The state of Wyoming is divided into judicial districts as follows:

(i) The county of Laramie is the first judicial district;

(ii) The counties of Albany and Carbon are the second judicial district;

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(iii) The counties of Sweetwater, Lincoln and Uinta are the third judicial district;

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(C) Repealed by Laws 2019, ch. 54, § 2.

(iv) The counties of Johnson and Sheridan are the fourth judicial district;

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(v) The counties of Big Horn, Hot Springs, Park and Washakie are the fifth judicial district;

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(C) Repealed by Laws 2019, ch. 54, § 2.

(D) Repealed by Laws 2019, ch. 54, § 2.

(vi) The counties of Campbell, Crook and Weston are the sixth judicial district;

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(C) Repealed by Laws 2019, ch. 54, § 2.

(vii) Natrona county is the seventh judicial district;

(viii) The counties of Converse, Platte, Goshen and Niobrara are the eighth judicial district;

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(C) Repealed by Laws 2019, ch. 54, § 2.

(D) Repealed by Laws 2019, ch. 54, § 2.

(ix) The counties of Fremont, Teton and Sublette are the ninth judicial district.

(A) Repealed by Laws 2019, ch. 54, § 2.

(B) Repealed by Laws 2019, ch. 54, § 2.

(C) Repealed by Laws 2019, ch. 54, § 2.

(b) Notwithstanding any other provision of law, there shall be one (1) continuous term of court for the district courts of the state. The continuous term of court shall in no way affect the power of a court to take action in any cause or matter.

**5-3-102. Number of judges; distribution among districts; concurrent jurisdiction; judicial conference to adopt rules.**

(a) There shall be two (2) judges of the district court in the second, fourth, fifth and eighth judicial districts, three (3) judges of the district court in the third, sixth, seventh and ninth judicial districts and four (4) judges of the district court in the first judicial district. In the second judicial district, one (1) judge shall reside in Albany county and one (1) shall reside in Carbon county. In the third judicial district two (2) judges shall reside in Sweetwater county. In the fourth judicial district, one (1) judge shall reside in Sheridan county and one (1) shall reside in Johnson county. In the ninth judicial district one (1) judge shall reside in Fremont county, one (1) judge shall reside in Teton county and one (1) judge shall reside in Sublette county. All district

judges in the state shall have concurrent jurisdiction throughout the state and for purposes of assignment, shall have concurrent jurisdiction throughout the state with all circuit court judges.

(b) The district courts shall be free of administrative and fiscal control by the supreme court. There shall be a judicial conference comprised of all district judges which shall meet no less than twice per year. The conference shall coordinate improvement efforts with the judicial administrative conference and shall report to the joint judiciary interim committee of such efforts annually on or before November 1. The conference shall adopt rules governing the organization and procedures of the conference which shall be published in the court rules volume of the Wyoming statutes. The conference shall adopt rules, which shall be binding on all of the district judges, governing the administration of the district courts to include, without limitation, personnel, fiscal and budgetary policy except technology which shall be done to provide an integrated statewide system in accordance with the efforts of the judicial technology task force. The judicial conference shall also adopt suitable rules to provide for division of the work between the judges in multi-judge districts. The judicial conference shall keep minutes of all meetings which, along with all rules adopted by the conference, shall be filed with the supreme court and be made available to the public.

**5-3-103. Repealed by Laws 2019, ch. 54, § 2.**

**5-3-104. Repealed by Laws 2019, ch. 54, § 2.**

**5-3-105. Repealed by Laws 2019, ch. 54, § 2.**

**5-3-106. Judges to hold court for each other.**

The judges of the several district courts shall hold courts for each other, when from any cause, any judge of a district court is unable to act or to hear, try or determine any cause in his district; and in such event the judge so disqualified or unable to act shall call upon one (1) of the other judges of the district court to hear, try and determine such cause, and the said judge so called upon, shall try, hear or determine said cause with all the jurisdiction, power and authority possessed by the judge of the district court of the district whereto he is called to act as judge.

**5-3-107. Assignment of acting or retired judge to another district in case of death or other emergency.**

If any judge of any district court in this state shall die, or for any reason become unwilling or unable to perform the duties of his office, the chief justice of the supreme court of the state of Wyoming, by order to be duly entered in the records of the district court of each county in such district, may assign any district judge or any retired judge of this state, to perform any and all judicial functions therein, until a successor for such district shall have been appointed or elected and qualified according to law, and such assigned judge shall have the same jurisdiction and authority in such district as a duly elected and qualified judge of such district.

**5-3-108. Expenses of judges while acting on supreme bench.**

All traveling expenses incurred by any district judge while traveling to and from the capitol at Cheyenne, for the purpose of sitting at the supreme court to hear and determine cases presented before said court, and his expenses at the capitol, while so engaged, shall be charged to the contingent fund of the supreme court.

**5-3-109. Expenses of judges when acting in another district or circuit.**

The expenses of any district judge holding court in any district other than his own or in any circuit court pursuant to assignment under W.S. 5-9-131, including his traveling expenses to and from said district or circuit, and his expenses while holding court therein, shall be charged to the contingent fund of the court in whose district he is so holding court or to the contingent fund of the circuit court in whose circuit he is so holding court pursuant to assignment under W.S. 5-9-131.

**5-3-110. Seal of the district court.**

Each county shall provide the clerk of its district court with a seal, the impression of which shall contain the following words: "The District Court of Wyoming", together with the name of the county in which the same is to be used.

**5-3-111. County law library.**

The board of county commissioners shall have the power to establish and maintain in their respective counties, a county



law library, for the use and benefit of the judge of the district court and other citizens of the state and shall have the power to appropriate and set aside for the maintenance and support of said library, such moneys as it shall deem necessary or see fit. The district court of such county shall superintend and direct all expenditures made for said library, and shall have full power to make any rules and regulations, proper and necessary for the preservation, increase and use of the library, not inconsistent with law.

**5-3-112. Assignment to circuit court judge.**

(a) A judge of the district court may assign to a circuit court judge any case or proceeding within the jurisdiction of the district court subject only to the following restrictions:

(i) Rules promulgated by the supreme court;

(ii) Acceptance of the judge to whom the assignment of the case or proceeding is to be made;

(iii) Consent of each plaintiff and each defendant in a civil action wherein the amount in controversy is greater than fifty thousand dollars (\$50,000.00); and

(iv) Consent of both the prosecutor and the defendant in a criminal case in which the defendant is charged with any crime for which the aggregate sentences for all crimes charged exceed five (5) years in prison.

(b) The law and rules governing district court and appeals therefrom shall apply to a case or proceeding assigned pursuant to this section.

**5-3-113. District courts budget submittal.**

All district courts shall submit standard and supplemental budget requests to the legislature not later than November 1 of the year preceding the fiscal year in which the standard or supplemental budget is to take effect. The district courts shall prepare all personal services budget requests using the same methods and practices as the executive branch.

**5-3-201. Office created; term; election in counties of first and second class; county clerk designated ex officio clerk in other counties.**

There shall be a clerk of the district court in each organized county of the state whose term of office shall be four (4) years and until his successor is elected and qualified. Clerks of the district court shall be elected at general elections in counties of the first and second class; and in all other counties the county clerk shall be ex officio clerk of the district court, and shall perform all of the duties pertaining to the office of clerk of the district court.

**5-3-202. Duties generally.**

Each clerk of the district court shall keep and make up the records and books of the court of his particular county, receive all cases filed therein, properly record and attend to the same, and shall have the care and custody of all the records, seal, books, papers and property pertaining to his said office or the court of the county for which he is elected and which may be filed or deposited therein, and shall receive, account for and pay over all money that may come into the possession of the court according to law, and under the orders or decrees of the court, except that which shall be received by master commissioners. He shall keep all records and files in criminal cases, and attend to all duties required of the clerk in relation thereto. He shall attend upon the terms of court held in the county for which he is elected, and perform such duties relating to his office as may be required of him by the court, and shall perform all such other duties relating to his office as are required of him by law or the rules and practice of the courts.

**5-3-203. Vacation of office; filling of vacancies.**

The office of the clerk of the district court shall be deemed vacated under the circumstances provided by W.S. 22-18-101. Any vacancy in the office of the clerk of the district court shall be filled as provided by W.S. 22-18-111.

**5-3-204. Salaries to be paid by county.**

The salaries of clerks of the district courts shall be paid by the county in which they respectively act, in monthly installments, after services are performed.

**5-3-205. Collection of fees in advance; payment to treasurer; liability for collection.**

(a) All fees prescribed by statute for civil business, shall be collected in advance by the clerk and except as otherwise provided in this section shall be paid to the treasurer of the county at the end of each month. The clerk shall be liable under his bond for the collection and payment of such fees. The clerk shall remit:

(i) The court automation fee prescribed by W.S. 2-2-401(a)(iii), 5-3-206(a)(i), (vii) and (x), 6-10-102 and 6-10-103 to the judicial systems automation account established by W.S. 5-2-120 at the end of each month;

(ii) The indigent civil legal services fee prescribed by W.S. 2-2-401(a)(iv), 5-3-206(a)(i), (vii) and (x), 6-10-102 and 6-10-103 to the indigent civil legal services account established by W.S. 5-2-121 at the end of each month;

(iii) The police officer continuing education and training fee prescribed by W.S. 31-5-1201(h) to the account in the enterprise fund under W.S. 9-1-633(n) at the end of each month.

**5-3-206. Fees.**

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(i) For filing instruments or documents in each civil action and certifying one (1) copy of any order, decree or judgment at the time of its filing for each party, an original filing fee of one hundred twenty dollars (\$120.00) which shall be paid by the plaintiff. This fee shall apply to original actions commenced and to actions that are reopened after a final decree previously has been entered. Forty dollars (\$40.00) of the filing fee shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(ii) For issuing commission to take deposition, seventy-five cents (\$.75);

(iii) For taking depositions and the certificate, seal and transmission thereof, five dollars (\$5.00);

(iv) For taking affidavit or acknowledgment, certifying and sealing same, fifty cents (\$.50) for each person;

(v) For each certificate and seal, fifty cents (\$.50);

(vi) For copying or photostating any record or paper of the clerk's office when the instrument, record or paper contains one (1) page, one dollar (\$1.00), and when more, fifty cents (\$.50) for each additional page;

(vii) For all transcripts in cases appealed to the supreme court, one hundred dollars (\$100.00), including certificates, seals and transmission. Forty dollars (\$40.00) of the fee under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(viii) For copies of other documents made by a county operator, fifty cents (\$.50) for the first page and twenty-five cents (\$.25) for each additional page;

(ix) For filing, recording and issuing certificates of intention to become citizens of the United States and for final naturalization, including oath and record, in accordance with the fee schedule of the United States immigration and naturalization service;

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a circuit court, one hundred dollars (\$100.00), and for docketing any transcript of judgment from a circuit court upon the judgment and execution dockets, one hundred dollars (\$100.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. Forty dollars (\$40.00) of any fee imposed under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205.

**5-3-207. Statement of costs mailed to parties to actions.**

If requested by a party to a case, the clerk of the court shall make up an itemized statement of the court costs in the case and mail a copy to the requesting party.

**5-3-208. Amount of bond; conditions.**

Each clerk upon entering on the duties of his office, shall give a bond in the penal sum of not less than ten thousand dollars (\$10,000.00) to the county with two (2) or more sufficient sureties to be approved by the county commissioners conditioned upon the faithful performance of the duties of his office, the proper collection and turning over all fees and the proper payment of all moneys collected by him and he shall from time to time give such additional bond as the judge of the court may require.

**5-3-209. Clerk liable on bond for acts of deputies; deputy's bond.**

Each clerk shall be liable upon his official bond for all acts of his deputies, but each clerk may take from his deputies a bond to himself to indemnify him on account of the acts of his deputies.

**5-3-210. Duty as custodian of seal; seal to be attached to official papers.**

The clerk of the district court shall be custodian of the seal of said court, which seal shall be kept in the office of the clerk of the district court in the respective counties and shall be attached to all writs, orders, or other instruments that the clerk of the district court is now or may hereafter be required or permitted to sign or certify in his official capacity.

**5-3-211. Repealed by Laws 2019, ch. 24, § 2.**

**5-3-212. Entries on appearance docket and their effect.**

The clerk shall enter on the appearance docket, at the time of the commencement of an action or proceeding, the names of the parties in full, with names of counsel, and forthwith index the case, direct and reverse, in the name of each plaintiff and defendant. He shall also enter at the time it occurs, under the case so docketed, the issue of the summons or other mesne process or order, and the filing of each paper, and he shall note on the appearance docket the date of issuance, date of service and how served and date of filing, which will be evidence of such service.

**5-3-213. Clerk not to act as attorney.**

No clerk of the district court or county clerk in counties wherein such clerk is ex officio clerk of the district court,

shall accept employment or retainer as an attorney-at-law or give any advice as such in any action, cause or proceeding pending in the court, wherein he is such clerk.

### ARTICLE 3 - COMMISSIONERS

#### **5-3-301. Appointment; number.**

District courts of the several judicial districts of this state are empowered to appoint such number of district court commissioners in the several counties of their respective judicial districts as the public interest may require.

#### **5-3-302. Term of office; summary removal.**

District court commissioners shall hold office during the pleasure of the district court, and may be summarily removed.

#### **5-3-303. Qualifications.**

District court commissioners shall be learned in the law in this state, residents of the district for which appointed, and citizens of this state. To be learned in the law a person shall have sufficient knowledge, skill, training or experience to perform judicial functions.

#### **5-3-304. Order of appointment to be made in open court and entered on journal; use as evidence.**

The order appointing each district court commissioner shall be made in open court and entered upon the journal. A certified copy of such journal entry shall be evidence of such appointment in all the courts of this state.

#### **5-3-305. Appointment and termination thereof to be reported to county clerk.**

When any court or the judge thereof, shall appoint a court commissioner who shall be authorized to take acknowledgments and administer oaths under this act, or whenever any court or the judge thereof shall revoke the appointment of any such court commissioner, or when any such commissioner shall resign, or his appointment cease for any reason, it shall be the duty of the clerk of said court to immediately notify, in writing, the county clerk of each county embraced within the jurisdiction of said court, of the making of said appointment or the termination thereof, as the case may be.

### **5-3-306. Oath.**

District court commissioners before entering upon the discharge of their official duties, shall take and subscribe before the clerk of the district court, of the county for which they were respectively appointed, the oath of office provided by the constitution.

### **5-3-307. Powers generally.**

(a) Each district court commissioner shall have the powers in respect to every suit or proceeding pending in the district court of the county for which he was appointed, as follows:

(i) If no judge qualified to hear or act in the proceeding or action is present in the county for which such commissioner was appointed, to make any order which a judge of the district court is authorized by law to make in chambers and to hear and determine cases of mental illness or mental incompetency, and to hold juvenile detention or shelter care hearings;

(ii) To make any order which a judge of the district court is authorized by law to make in chambers, upon the written statement of such judge, filed with the papers, that he is disqualified in such case;

(iii) To administer oaths;

(iv) To hear, try and determine all issues whenever an application shall have been made for a change of judge;

(v) To take evidence and make findings, and report the same to the district court;

(vi) To take depositions;

(vii) To punish persons for contempts committed during hearings had before him;

(viii) To issue and enforce process for the attendance of witnesses and production of evidence in all lawful hearings before him, in the same manner and with like force as the court might do if in session.

### **5-3-308. Fees.**

The fees of the district court commissioners shall be fixed by the district courts in which their services are rendered and may be taxed as costs, paid from the budget of the district court or from other funds available for that purpose.

**5-3-309. Orders to be entered in court journal.**

All orders made by, and proceedings had before district court commissioners, shall be entered at length in the journal of the district court of the county for which they were appointed, by the district clerk, and shall be signed by the commissioners.

**5-3-310. District court to review orders; approval or disapproval.**

The district court shall at each term review all orders made by, and proceedings had before commissioners of such court during vacation, and approve, disapprove, reverse or modify every such order or proceeding.

**5-3-311. Office of commissioner and clerk declared incompatible.**

The office of district court commissioner and clerk of the district court are hereby declared to be incompatible and no person shall occupy the office of district court commissioner who is at the same time a clerk of the district court, or is a county clerk in counties wherein such clerk is ex officio clerk of court.

**5-3-312. Commissioner not to act as attorney; when attorney not to act as commissioner.**

No district court commissioner shall accept employment or retainer as an attorney-at-law, or give any advice as such in any action, cause or proceeding pending before him as such commissioner; and he shall not be authorized to act as such commissioner, or exercise any of the powers thereof, in any action, case or proceeding in which or as to the subject thereof he shall have been engaged, employed or retained as an attorney, or in reference to which and the subject thereof he shall have given any advice.

ARTICLE 4 - REPORTER

**5-3-401. Office created; appointment; term.**



The office of official court reporter for each judge of each judicial district in the state of Wyoming is hereby created and each judge of each judicial district in the state of Wyoming is hereby required and empowered to appoint one (1) court reporter for his district, whose term of office shall be during the pleasure of the judge making such appointment and until their successor is appointed and qualified.

**5-3-402. Repealed By Laws 2008, Ch. 27, § 2.**

**5-3-403. Duties generally; oath; furnishing transcripts.**

Such reporter shall be in constant attendance upon the judge of said court at all times, and shall be the clerk and stenographer of the judge, and he shall be sworn to the faithful performance of his duty, and take the oath of office required in the constitution of this state, and shall remain in attendance on the court, and take full stenographic notes in cases tried during said attendance, of all testimony or admissions made by either side, objections to the introduction of testimony, the ruling of the court thereon, the exceptions taken thereto, and such other proceedings as the court may direct, and shall preserve such stenographic notes and furnish a transcript thereof, or of any part of same, upon the request of any party having an interest therein, provided, however, that if no request for such transcript shall be made to the court reporter for a period of ten (10) years subsequent to the hearing of any cause wherein stenographic records have been taken, the said court reporter may destroy his original stenographic records, and, provided, further, however, that if a transcript shall be furnished any party as provided herein, then and in that event, the court reporter may destroy his original stenographic records within a period of ten (10) years from and after the furnishing of said transcript to the party or parties ordering same.

**5-3-404. Criminal cases; reporting and transcript of proceedings.**

The court reporter for criminal cases prosecuted in the district court shall report all testimony and all proceedings held in open court, except informal discussions, informal instruction conferences and pretrial conferences which shall be reported when requested by a party. The reporter shall, within a reasonable time, transcribe arraignment, plea, change of plea and sentencing hearings and file the transcript in the official court record.

**5-3-405. Criminal cases; post-conviction proceedings.**

In any case arising as a post conviction relief proceeding, W.S. 7-14-101 through 7-14-108, in which the presiding judge has determined that the post conviction petition is sufficient to require an answer, the court reporter shall transcribe the record of the criminal proceeding in which the petitioner was convicted in full unless the court shall, by written order, determine that portions of the record are not required or material for decision in the proceeding. Additionally, the court reporter shall record evidentiary proceedings conducted under this section and shall transcribe that record if an appeal is taken.

**5-3-406. Criminal cases; original and copy of transcript to be furnished when required by order.**

The official court reporter shall transcribe and furnish an original and copy of the proceedings at the trial of any person sentenced to any imprisonment where an order is or has been entered so requiring.

**5-3-407. Criminal cases; payment of fees; form and contents of certificate.**

The reporter shall be paid in full for all his services in connection with the transcribing and filing or furnishing the transcripts referred to in this act, the same fee for the transcribing, filing, and furnishing of transcripts as provided in W.S. 5-3-410. All such fees shall be paid out of the state treasury on the warrant of the state auditor from appropriations made for such purpose, upon presentation of a certificate signed by the presiding judge setting the amount due said reporter. Such certificate shall as to each original transcript, and copy where fee for copy is authorized, set forth the title and number of the cause in which the transcript was required to be furnished, the nature of the proceedings transcribed, whether an arraignment, proceedings at criminal trial or proceedings at post conviction hearing, and the fee approved therefor. The state auditor may prescribe the form of the certificate and furnish same.

**5-3-408. Bond.**

Each official reporter, appointed as aforesaid, shall give a bond to the state of Wyoming, with sufficient sureties, to be

approved by the judge of the district court of such district, and filed with the secretary of state, in the sum of one thousand dollars (\$1,000.00), conditioned for the faithful and efficient performance of the duties of said office.

**5-3-409. Duty as judge's stenographer.**

Each official reporter appointed under the provisions of this act, as court reporter, shall also be the stenographer of the judge of said court, and shall do and perform such stenographic labor for the judge of said court as of him or her may be required in his official capacity as judge.

**5-3-410. Fees for civil cases; collection; to be paid into state treasury; liability of reporter for collection.**

(a) Repealed By Laws 2014, Ch. 18, § 1.

(b) Repealed By Laws 2014, Ch. 18, § 1.

(c) Repealed By Laws 2014, Ch. 18, § 1.

(d) Repealed By Laws 2014, Ch. 18, § 1.

(e) The reporter may charge three dollars and twenty-five cents (\$3.25) per page of twenty-five (25) lines, for all transcripts, records and other papers required to be made and issued as the official reporter. At no additional charge, the reporter shall include one (1) copy for the party ordering the original. The reporter may charge one dollar and twenty-five cents (\$1.25) per page for each additional copy, and may require payment in advance or upon delivery.

**5-3-411. Salary.**

Each official district court reporter in this state shall be paid annual salaries as provided by law, payable in equal monthly installments upon warrant of the state auditor upon the state treasurer.

**5-3-412. Substitute during absence or disability.**

In case of sickness or if said official court reporter be unable to attend to his official duties from any cause at any time, the judge of the district court in each judicial district in this state, when the trial of cases required to be reported necessitates it, is authorized and empowered to obtain a

suitable and competent person as substitute for such official court reporter, during such disability; such substitute to receive the fees herein provided for in full compensation for such services. And in all cases where any signature of the official court reporter is required, the same, during the absence or any such disability of the official court reporter shall be signed by the person substituted therefor as acting official court reporter, and in such cases the same shall have the same legal force and effect as if signed by the official court reporter.

## ARTICLE 5 - PROBATION COUNSELORS

### **5-3-501. Definitions.**

(a) When used in this act, the following definitions will apply unless the context otherwise requires:

(i) Court.-The word "court" shall mean the district or juvenile courts;

(ii) Counselor.-An officer appointed by the county commissioners with the approval of the district judge in the district where he is to be employed under the provisions of this act to work with juvenile offenders, and parolees or probationers;

(iii) Probationer.-Any person placed on probation with the imposition and execution of sentence suspended after a plea of guilty or nolo contendere or after conviction of any offense in any district or juvenile court in Wyoming, or by any court of a foreign state having jurisdiction to place such offenders on probation, or any person who has been paroled before sentence by any district or juvenile court;

(iv) Tense, Gender.-The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of the act.

### **5-3-502. Employment authorized; employment of 1 counselor for 2 or more districts.**

The county commissioners are hereby authorized to employ sufficient counselors in such judicial district upon the written request of the district judge or judges therein. In any district where in the discretion of the district judge or judges the case

load does not justify the hiring of a counselor, a counselor may be employed to work in two (2) or more districts.

**5-3-503. Appointment after approval by district judge; determination of maximum salary.**

Counselors may be appointed by the county commissioners only after the applicant is interviewed and approved by the district judge or judges in the district in which he is to be employed. The maximum salary of counselors appointed under the provisions of this act, shall be determined by the county commissioners.

**5-3-504. Duties.**

(a) Each counselor employed under the provisions of this act shall have the following duties:

(i) He shall make a complete social and background investigation of all persons referred to him by the court. This investigation shall include past violations, family background, present source of income and family status. It shall include a written recommendation as to disposition of the offender by the counselor, which shall be submitted to the court prior to sentencing:

(A) The investigation may be waived by the offender unless the court specifically requests it;

(B) Special attention shall be given to minor offenders in the effort to rehabilitate them toward responsible citizenship;

(ii) He may make social history investigations where requested by judges in cases where minors are involved. In such cases he may assume authority where the offender is placed on probation by the presiding officer;

(iii) He shall furnish to each person released on probation and placed under his supervision a written statement of conditions of the probation or parole and shall instruct each of his charges thereon. Each counselor shall keep informed concerning the conduct and conditions of each person in his charge by making regular personal visits, and in other ways he deems necessary or advisable;

(iv) A written report shall be submitted periodically on each person under the counselor's supervision to the

department of corrections or, as appropriate, the department of family services and a copy shall be sent to the judge having jurisdiction of the case;

(v) He shall advise and counsel his charges and encourage steps in the direction of rehabilitation and good citizenship.

(b) All case records shall be confidential.

#### CHAPTER 4 - JUSTICES OF THE PEACE AND CONSTABLES

##### ARTICLE 1 - IN GENERAL

5-4-101. Repealed By Laws 2004, Chapter 42, § 2.

5-4-102. Repealed By Laws 2004, Chapter 42, § 2.

5-4-103. Repealed By Laws 2004, Chapter 42, § 2.

5-4-104. Repealed By Laws 2004, Chapter 42, § 2.

5-4-105. Repealed By Laws 2004, Chapter 42, § 2.

5-4-106. Repealed By Laws 2004, Chapter 42, § 2.

5-4-107. Repealed By Laws 2004, Chapter 42, § 2.

5-4-108. Repealed By Laws 2004, Chapter 42, § 2.

5-4-109. Repealed By Laws 2004, Chapter 42, § 2.

5-4-110. Repealed By Laws 2004, Chapter 42, § 2.

5-4-111. Repealed By Laws 2004, Chapter 42, § 2.

5-4-112. Repealed By Laws 2004, Chapter 42, § 2.

5-4-113. Repealed By Laws 2004, Chapter 42, § 2.

5-4-114. Repealed By Laws 2004, Chapter 42, § 2.

5-4-115. Repealed By Laws 2004, Chapter 42, § 2.

5-4-116. Repealed By Laws 2004, Chapter 42, § 2.

5-4-117. Repealed By Laws 2004, Chapter 42, § 2.

5-4-118. Repealed By Laws 2004, Chapter 42, § 2.

5-4-119. Repealed By Laws 2004, Chapter 42, § 2.

ARTICLE 2 - JUSTICE OF PEACE COURT SYSTEM

5-4-201. Repealed By Laws 2004, Chapter 42, § 2.

5-4-202. Repealed By Laws 2004, Chapter 42, § 2.

5-4-203. Repealed By Laws 2004, Chapter 42, § 2.

5-4-204. Repealed By Laws 2004, Chapter 42, § 2.

5-4-205. Repealed By Laws 2004, Chapter 42, § 2.

5-4-206. Repealed By Laws 2004, Chapter 42, § 2.

5-4-207. Repealed By Laws 2004, Chapter 42, § 2.

5-4-208. Repealed By Laws 2004, Chapter 42, § 2.

5-4-209. Repealed By Laws 2004, Chapter 42, § 2.

5-4-210. Repealed By Laws 2004, Chapter 42, § 2.

5-4-211. Repealed By Laws 2004, Chapter 42, § 2.

5-4-212. Repealed By Laws 2004, Chapter 42, § 2.

5-4-213. Repealed By Laws 2004, Chapter 42, § 2.

5-4-214. Repealed By Laws 2004, Chapter 42, § 2.

5-4-215. Repealed By Laws 2004, Chapter 42, § 2.

5-4-216. Repealed By Laws 2004, Chapter 42, § 2.

5-4-217. Repealed By Laws 2004, Chapter 42, § 2.

5-4-218. Repealed By Laws 2004, Chapter 42, § 2.

5-4-219. Repealed By Laws 2004, Chapter 42, § 2.

5-4-220. Repealed By Laws 2004, Chapter 42, § 2.

5-4-221. Repealed By Laws 2004, Chapter 42, § 2.

5-4-222. Repealed By Laws 2004, Chapter 42, § 2.

5-4-223. Repealed By Laws 2004, Chapter 42, § 2.

5-4-224. Repealed By Laws 2004, Chapter 42, § 2.

#### ARTICLE 3 - DISPOSITION OF RECORDS OF JUSTICES

5-4-301. Repealed By Laws 2004, Chapter 42, § 2.

5-4-302. Repealed By Laws 2004, Chapter 42, § 2.

5-4-303. Repealed By Laws 2004, Chapter 42, § 2.

5-4-304. Repealed By Laws 2004, Chapter 42, § 2.

5-4-305. Repealed By Laws 2004, Chapter 42, § 2.

#### ARTICLE 4 - POWERS AND DUTIES OF CONSTABLES TRANSFERRED

**5-4-401. Office of constable abolished; duties transferred to county sheriff; process to be served by sheriff.**

Upon the effective date of this act, the office of constable shall be abolished in Wyoming, and the functions, powers, and duties of the office of constable shall be transferred to the office of county sheriff. All process shall be served by the office of county sheriff.

**5-4-402. Transfer of powers to county sheriff.**

Wherever the word "constable" appears in the Wyoming statutes, any power, duty, responsibility, function, or jurisdiction of the constable shall be transferred to the county sheriff.

#### CHAPTER 5 - COUNTY COURTS

5-5-101. Renumbered as 5-9-101 By Laws 2000, Ch. 24, § 3.

5-5-102. Repealed By Laws 2000, Ch. 24, § 5.

5-5-103. Repealed By Laws 2000, Ch. 24, § 5.

5-5-104. Renumbered as 5-9-103 By Laws 2000, Ch. 24, § 3.



5-5-105. Renumbered as 5-9-104 By Laws 2000, Ch. 24, § 3.

5-5-106. Renumbered as 5-9-105 By Laws 2000, Ch. 24, § 3.

5-5-107. Renumbered as 5-9-106 By Laws 2000, Ch. 24, § 3.

5-5-108. Renumbered as 5-9-107 By Laws 2000, Ch. 24, § 3.

5-5-109. Renumbered as 5-9-108 By Laws 2000, Ch. 24, § 3.

5-5-110. Renumbered as 5-9-109 By Laws 2000, Ch. 24, § 3.

5-5-111. Renumbered as 5-9-110 By Laws 2000, Ch. 24, § 3.

5-5-112. Renumbered as 5-9-111 By Laws 2000, Ch. 24, § 3.

5-5-113. Repealed by Laws 1978, ch. 45, § 2.

5-5-114. Repealed By Laws 2000, Ch. 24. § 5.

5-5-115. Renumbered as 5-9-112 By Laws 2000, Ch. 24, § 3.

5-5-116. Renumbered as 5-9-113 By Laws 2000, Ch. 24, § 3.

5-5-117. Renumbered as 5-9-114 By Laws 2000, Ch. 24, § 3.

5-5-118. Renumbered as 5-9-115 By Laws 2000, Ch. 24, § 3.

5-5-119. Renumbered as 5-9-116 By Laws 2000, Ch. 24, § 3.

5-5-120. Renumbered as 5-9-117 By Laws 2000, Ch. 24, § 3.

5-5-121. Renumbered as 5-9-118 By Laws 2000, Ch. 24, § 3.

5-5-122. Renumbered as 5-9-119 By Laws 2000, Ch. 24, § 3.

5-5-123. Renumbered as 5-9-120 By Laws 2000, Ch. 24, § 3.

5-5-124. Renumbered as 5-9-121 By Laws 2000, Ch. 24, § 3.

5-5-125. Renumbered as 5-9-122 By Laws 2000, Ch. 24, § 3.

5-5-126. Renumbered as 5-9-123 By Laws 2000, Ch. 24, § 3.

5-5-127. Renumbered as 5-9-124 By Laws 2000, Ch. 24, § 3.

5-5-128. Renumbered as 5-9-125 By Laws 2000, Ch. 24, § 3.

5-5-129. Renumbered as 5-9-126 By Laws 2000, Ch. 24, § 3.

5-5-130. Renumbered as 5-9-127 By Laws 2000, Ch. 24, § 3.

5-5-131. Renumbered as 5-9-128 By Laws 2000, Ch. 24, § 3.

5-5-132. Repealed By Laws 2000, Ch. 24, § 5.

5-5-133. Renumbered as 5-9-129 By Laws 2000, Ch. 24, § 3.

5-5-134. Renumbered as 5-9-132 By Laws 2000, Ch. 24, § 3.

5-5-135. Renumbered as 5-9-133 By Laws 2000, Ch. 24, § 3.

5-5-136. Renumbered as 5-9-134 By Laws 2000, Ch. 24, § 3.

5-5-137. Renumbered as 5-9-135 By Laws 2000, Ch. 24, § 3.

5-5-138. Repealed By Laws 2000, Ch. 24, § 5

5-5-139. Renumbered as 5-9-136 By Laws 2000, Ch. 24, § 3.

5-5-140. Renumbered as 5-9-137 By Laws 2000, Ch. 24, § 3.

5-5-141. Renumbered as 5-9-138 By Laws 2000, Ch. 24, § 3.

5-5-142. Repealed By Laws 2000, Ch. 24, § 5.

5-5-143. Repealed By Laws 2000, Ch. 24, § 5

5-5-144. Renumbered as 5-9-139 By Laws 2000, Ch. 24, § 3.

5-5-145. Renumbered as 5-9-140 By Laws 2000, Ch. 24, § 3.

5-5-146. Renumbered as 5-9-141 By Laws 2000, Ch. 24, § 3.

5-5-147. Renumbered as 5-9-142 By Laws 2000, Ch. 24, § 3.

5-5-148. Renumbered as 5-9-143 By Laws 2000, Ch. 24, § 3.

5-5-149. Repealed By Laws 2000, Ch. 24, § 5.

5-5-150. Repealed By Laws 2000, Ch. 24, § 5.

5-5-151. Repealed By Laws 2000, Ch. 24, § 5.

5-5-152. Renumbered as 5-9-144 By Laws 2000, Ch. 24, § 3.

5-5-153. Renumbered as 5-9-145 By Laws 2000, Ch. 24, § 3.

5-5-154. Renumbered as 5-9-146 By Laws 2000, Ch. 24, § 3.

5-5-155. Renumbered as 5-9-147 By Laws 2000, Ch. 24, § 3.

5-5-156. Renumbered as 5-9-148 By Laws 2000, Ch. 24, § 3.

5-5-157. Renumbered as 5-9-149 By Laws 2000, Ch. 24, § 3.

5-5-158. Renumbered as 5-9-150 By Laws 2000, Ch. 24, § 3.

5-5-159. Renumbered as 5-9-151 By Laws 2000, Ch. 24, § 3.

5-5-160. Renumbered as 5-9-152 By Laws 2000, Ch. 24, § 3.

5-5-161. Renumbered as 5-9-153 By Laws 2000, Ch. 24, § 3.

5-5-162. Renumbered as 5-9-201 By Laws 2000, Ch. 24, § 3.

5-5-163. Renumbered as 5-9-202 By Laws 2000, Ch. 24, § 3.

5-5-164. Renumbered as 5-9-203 By Laws 2000, Ch. 24, § 3.

5-5-165. Renumbered as 5-9-204 By Laws 2000, Ch. 24, § 3.

5-5-166. Renumbered as 5-9-205 By Laws 2000, Ch. 24, § 3.

5-5-167. Renumbered as 5-9-206 By Laws 2000, Ch. 24, § 3.

5-5-168. Renumbered as 5-9-208 By Laws 2000, Ch. 24, § 3.

5-5-169. Renumbered as 5-9-209 By Laws 2000, Ch. 24, § 3.

5-5-170. Renumbered as 5-9-210 By Laws 2000, Ch. 24, § 3.

5-5-171. Repealed By Laws 2000, Ch. 24, § 5.

5-5-172. Repealed By Laws 2000, Ch. 24, § 5.

5-5-173. Repealed By Laws 2000, Ch. 24, § 5.

5-5-174. Repealed By Laws 2000, Ch. 24, § 5.

5-5-175. Repealed By Laws 2000, Ch. 24, § 5.

## CHAPTER 6 - MUNICIPAL COURTS

### ARTICLE 1 - IN GENERAL

#### **5-6-101. Created and established.**

There is hereby created and established in each of the incorporated cities or towns in the state of Wyoming, whether incorporated or existing under a special charter or a general act, and whether now in existence or hereafter incorporated under the laws of the state, a municipal court for the trial of all offenses arising under ordinances of said incorporated city or town, as the case may be.

#### **5-6-102. Municipal judges; number; jurisdiction.**

Judges of municipal courts are termed municipal judges. The number of municipal judges shall be prescribed by ordinance of each incorporated city or town. The jurisdiction of municipal judges shall be as prescribed either by special charter of the incorporated city or town, by general law of the incorporated city or town, or by general law of the state.

#### **5-6-103. Appointment of municipal judges; qualifications.**

Municipal judges shall be appointed by the mayor with the consent of the council, and shall be qualified electors of the state unless otherwise provided by ordinance.

#### **5-6-104. Term of office; compensation.**

The terms of municipal judges shall be the same as the terms of other appointed officers of the city or town, unless earlier removed for good cause as provided by law. Compensation shall be prescribed by ordinance of the city or town.

#### **5-6-105. Bond.**

A municipal judge shall give a bond to the municipality for which he is appointed in an amount provided by ordinance of the city or town. The bond shall be conditioned on the performance of his duties in accordance with law and ordinance of the city including the duty to turn over to the parties entitled or as prescribed by ordinance of the city all monies collected by him by virtue of his office.

**5-6-106. Procedure generally; additional rules may be provided by ordinance; appeals.**

The procedure of municipal courts shall conform to the procedure provided by law and rules of procedure for courts of limited jurisdiction. The incorporated city or town may by ordinance provide any additional rules of procedure found necessary for the proper conduct of municipal courts, provided these rules do not conflict with the general laws of the state. Appeals to the district court shall be allowed in all cases as now provided by law for appeals from circuit courts.

**5-6-107. Appeals to district court in certain cities or towns.**

In addition to all other methods heretofore provided by law, an appeal from the judgment or sentence of a municipal court in any city or town operating under a special charter or commission, commission manager or manager form of government, may be taken to the district court in the same manner as is now provided by law for appeals from circuit courts in criminal cases, and shall be dealt with by the courts as criminal cases.

**5-6-108. Costs.**

(a) Each city or town in the state of Wyoming may prescribe by ordinance such costs in all trials before municipal courts as may be necessary or deemed expedient. However, the costs shall not exceed ten dollars (\$10.00). All costs collected shall be turned into the treasury of the city or town. By ordinance a city or town may prescribe:

(i) A court automation fee of forty dollars (\$40.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance;

(ii) An indigent civil legal services fee of ten dollars (\$10.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance.

**5-6-109. Postponement of trial for violation of city ordinance; recognizance generally.**

If a person charged with a violation of a city ordinance is held to appear for examination or trial before a municipal judge, the judge may postpone the trial of the case to a certain day. The judge may require the defendant to enter into a recognizance

with sufficient sureties conditioned that he will appear before the judge at the time and place appointed to answer the complaint alleged against him.

**5-6-110. Postponement of trial for violation of city ordinance; sureties or deposit may be required; breach of recognizance; procedure where offense not cognizable before judge.**

When a person is ordered by the municipal judge to enter into a recognizance, he may at the discretion of the municipal judge be permitted to sign his own recognizance, furnish sureties or deposit in cash with the judge or his designee the amount named in the bond. If the person so recognized fails to appear and comply with all of the requirements of the bond, the judge having cognizance shall, if there are no mitigating circumstances, declare the bond forfeited and order the cash deposited into the general fund of the treasury of the city. If it appears to the judge the accused is triable for an offense not cognizable before the judge, the judge shall halt further proceedings and proceed as in other cases exclusively cognizable before the district court.

**5-6-111. Execution on judgments.**

Upon assessment of any fine and costs for the conviction of a violation of any ordinance of a city or town, judgment shall be entered against the defendant in favor of the city or town. If the judgment is not paid within ninety (90) days from the date of the judgment the city or town may collect judgment by execution in circuit court in the manner provided by law. Except as otherwise provided by law all amounts recovered pursuant to this section shall be deposited with the city or town treasurer, used for the benefit of the city or town, and credited against the fine and reasonable costs of collection.

**5-6-112. Detention of juvenile offenders.**

(a) No minor charged with violating a municipal ordinance defined as a status offense under subsection (b) of this section shall be detained in a jail.

(b) As used in W.S. 5-6-112 and 5-6-113:

(i) "Juvenile detention facility" means any facility which may legally and physically restrict and house a child, other than the Wyoming boys' school, the Wyoming girls' school,

the Wyoming state hospital or other private or public psychiatric facility within the state of Wyoming. "Juvenile detention facility" does not include any residential treatment facility which is operated for the primary purpose of providing treatment to a child. A juvenile detention facility may be housed within an adult jail or correction facility if the facility otherwise meets the requirements of state law;

(ii) "Minor" means an individual who is under the age of eighteen (18) years;

(iii) "Status offense" means an offense which, if committed by an adult, would not constitute an act punishable as a criminal offense by the laws of this state or a violation of a municipal ordinance, but does not include a violation of W.S. 12-6-101(b) or (c) or any similar municipal ordinance;

(iv) "Hardware secure juvenile detention facility" means a facility used for the detention of minors that is characterized by locks on the doors and other restrictive hardware designed to restrict the movement of the minors and protect public safety;

(v) "Shelter care" means as defined in W.S. 14-6-201(a)(xxii);

(vi) "Staff secure juvenile detention facility" means a facility used for the detention of minors that is characterized by a trained staff to supervise the movement and activities of detained minors at the facility, without the additional use of hardware secure equipment.

### **5-6-113. Incarceration of juvenile offenders.**

(a) No minor convicted of a status offense shall be sentenced to a term of imprisonment.

(b) A minor convicted of a misdemeanor or of violating a municipal ordinance, other than a status offense, for which a term of imprisonment is authorized, shall only be imprisoned in a juvenile detention facility.

(c) Except for an alleged delinquent minor who is released to the custody of the minor's parent, guardian or custodian, with verbal counsel, warning or a written promise to appear in court, the person taking the minor into custody shall ensure that a juvenile detention risk assessment shall be promptly

performed, using a uniform assessment instrument designed by the county sheriffs. If the risk assessment finds that the minor is a serious risk to himself or to the safety of others, the minor may be:

(i) Placed in a hardware secure juvenile detention facility;

(ii) Transferred to a medical facility if the minor is believed to be suffering from a serious physical or mental illness that requires prompt diagnosis or treatment;

(iii) If the minor is not held pursuant to paragraph (i) of this subsection, placed in shelter care or a staff secure juvenile detention facility, or released to a parent, guardian or other custodian who can provide supervision and care for the minor pending the minor's appearance in court. If no space is available in shelter care or a staff secure juvenile detention facility, the minor may be held in a hardware secure juvenile detention facility.

(d) A minor under the age of eleven (11) years shall not be held in a hardware secure juvenile detention facility. If the minor under the age of eleven (11) years poses a substantial risk of harm to himself or others, a peace officer may detain and transport the minor for an emergency mental health evaluation.

(e) If a minor is taken into custody and is not released to the minor's parent, guardian or custodian, the person taking the minor into custody shall give notice thereof to the minor's parent, guardian or custodian as soon as possible, and in no case later than twenty-four (24) hours after taking the minor into custody.

#### **5-6-114. Special probation for minor defendants.**

As a condition of probation or suspension of sentence, the court may require a defendant who is a minor to successfully complete a juvenile service program offered under the Community Juvenile Services Act.

#### **5-6-115. Process extends throughout the state.**

A municipal judge may issue a statewide bench warrant for violation of a municipal ordinance which contains the same elements as a comparable state statute. The municipality in



which the court issuing the statewide bench warrant exists is responsible for all costs incurred in executing the warrant, including costs of housing and transporting a person arrested under the warrant.

**5-6-116. Suspension of fines on conditions.**

(a) Notwithstanding W.S. 7-13-302 through 7-13-305, when imposing a fine for breach of an ordinance that is punishable by fine only, a municipal judge may suspend all or part of the fine for a specified period, not to exceed six (6) months, during which the defendant must meet specified conditions. The conditions imposed shall only require the defendant to conform his conduct to the requirements of the ordinance and shall not prohibit lawful conduct. When suspending a fine, a municipal judge must:

(i) Specify the amount of the fine to be suspended;  
and

(ii) Specify the conditions the defendant must meet to avoid imposition of the suspended portion of the fine, including the date by which the conditions must be met.

(b) If a defendant fails to comply with the conditions specified, the municipality may commence proceedings to impose the suspended portion of the fine during the period of suspension or within thirty (30) days thereafter. If after notice and a hearing the court determines the defendant failed to comply with the conditions of the suspended fine, the court may proceed to deal with the case as if no suspension of fine had been ordered.

ARTICLE 2 - CITIES OF THE FIRST CLASS

**5-6-201. Jurisdiction of municipal judge; change of venue prohibited; exception for certain civil penalties.**

(a) Except as provided by subsection (b) of this section, a municipal judge has exclusive jurisdiction over all violations of ordinances of the city. The municipal judge shall hear and determine violations of ordinances and may impose fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both, to which may be added costs. No change of venue shall be granted in any case arising under the ordinances of the city.

(b) A district court has jurisdiction to grant injunctive relief and to impose any civil penalty authorized by ordinance adopted pursuant to W.S. 15-1-103(a) (xlvi).

**5-6-202. Powers and duties of municipal judge generally; court to open every day except Sunday.**

(a) The municipal judge shall be a conservator of the peace and his court shall be open every day except Sundays to hear and determine all cases cognizable before him. No act shall be performed by the judge on Sundays except to receive complaints, issue process and take bail.

(b) The municipal judge shall enforce due obedience to all orders, rules and judgments made by him. The judge has the same power as the district court in the issuance of warrant, search warrant, subpoena or other necessary process and may fine or imprison for contempt offered to him or to process issued by him in the same manner and to the same extent as the district court. Before any person is imprisoned for the willful refusal to pay a fine, the court shall determine whether the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay.

**5-6-203. Appeal.**

In all cases before the municipal court arising under ordinances of the city, wherein the fine assessed exceeds the sum of ten dollars (\$10.00) or the imprisonment ten (10) days, an appeal may be taken by the defendant to the district court in and for the county in which the city is situated, but no appeal shall be allowed unless the defendant shall, within ten (10) days, enter into recognizance with sufficient sureties to be approved by the municipal court, conditioned for the payment of the fine and costs of appeal, and the defendant shall abide the judgment of the municipal court and not depart without leave of the court, or that he will pay to the city of .... the sum of \$..... The procedure of the appeal shall be as prescribed for appeals from circuit courts in criminal cases.

**5-6-204. Fines and penalties to be paid to city treasurer; report of cases; failure to comply with section.**

All fines and penalties collected and arising from a breach of a city ordinance shall be deposited with the city treasurer, and the municipal judge shall report at the end of each calendar month a list of all cases for violations of city ordinances

instituted in his court, and the disposition thereof, with a statement of the fines, penalties and costs received. At the end of each month the judge shall deposit with the city treasurer all fines, penalties and costs received. If the municipal judge fails to report and deposit all fines, penalties and costs for a period of twenty-five (25) days, his office shall be declared vacant. If a city enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108(a)(i), up to ten dollars (\$10.00) of the fee may be retained by the city solely for the purpose of defraying costs and expenses related to establishing and maintaining an electronic citation system. The system shall collect and submit data in a form and manner prescribed by the supreme court to comply with the requirements of the judicial systems automation account under W.S. 5-2-120. The remaining portion of the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120. If a city enacts an ordinance prescribing the indigent civil legal services fee as provided in W.S. 5-6-108(a)(ii), the fee shall be remitted to the indigent civil legal services account established by W.S. 5-2-121.

**5-6-205. Duty of municipal judge as to trial generally.**

When a person is brought before the municipal judge upon warrant, the judge shall hear and determine the complaint alleged against the defendant.

**5-6-206. Summoning and enforcing attendance of witnesses.**

It shall be the duty of said justice to summon all persons whose testimony may be deemed material as witnesses at the trial, and to enforce their attendance by attachment if necessary.

**5-6-207. Cases in municipal court.**

Cases in the municipal court for violations of city ordinances shall be tried and determined by the court without the intervention of a jury, and the trial of such cases before the court shall be conducted in all respects, not herein otherwise provided for, in like manner as criminal cases before circuit courts.

**5-6-208. Assessment of punishment.**

(a) If the defendant is found guilty, the municipal judge shall declare and assess punishment and render judgment accordingly.

(b) Repealed by Laws 1988, ch. 11, § 2.

**5-6-209. Continuances; verbal notice to witnesses as to new date of trial valid as summons.**

When a trial shall be continued by the judge, it shall not be necessary to summon any witnesses who may be present at the continuance, but the judge shall verbally notify such witnesses as either party may require to attend before him to testify in the case on the day of trial, which verbal notice shall be as valid as a summons.

**5-6-210. Punishment regulated by ordinance; maximum fine and imprisonment.**

(a) Any person convicted by a municipal judge of any offense under any ordinance of the city shall be punished by fine or imprisonment or both as provided by ordinance. Except as provided in subsection (b) of this section, no fine shall exceed seven hundred fifty dollars (\$750.00) for any one (1) offense recoverable with costs, and no imprisonment shall exceed six (6) months.

(b) A district court has jurisdiction to grant injunctive relief and to impose any civil penalty authorized by ordinance adopted pursuant to W.S. 15-1-103(a) (xlv).

**5-6-211. Working prisoners; credit for work done.**

Whenever the defendant is sentenced to imprisonment for the violation of a city ordinance, he may be put to work for the benefit of the city, if it is determined that adequate supervision is available, for the term of his imprisonment, and when committed for the nonpayment of a fine, or costs, for the violation of any ordinance, he may also be put to work for the benefit of the city, and shall be credited on such fine and costs, fifteen dollars (\$15.00) per day for each day he shall work.

ARTICLE 3 - INCORPORATED TOWNS

**5-6-301. Punishment of persons convicted before judge; maximum penalty permitted; power to punish for contempt.**

(a) A person convicted before a municipal judge shall be fined and imprisoned as provided by ordinance. Except as

provided by W.S. 15-1-103(a)(xli) or subsection (c) of this section, no fine shall exceed seven hundred fifty dollars (\$750.00), and no imprisonment shall exceed six (6) months.

(b) The municipal judge shall punish for contempt in the same manner as district court. Before any person is imprisoned for the willful refusal to pay a fine, the court shall determine whether the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay.

(c) A district court has jurisdiction to grant injunctive relief and to impose any civil penalty authorized by ordinance adopted pursuant to W.S. 15-1-103(a)(xlvi).

#### **5-6-302. Appeals from municipal court.**

Appeals from the judgment or sentence of a municipal court may be taken to the district court in the same manner as is now provided by law for appeals from circuit courts in criminal cases, and shall be dealt with by the courts as criminal cases.

#### **5-6-303. Disposition of fines and penalties.**

All fines and penalties collected, arising from a breach of the ordinances of the town, shall be paid into the town treasury. If a town enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108(a)(i), up to ten dollars (\$10.00) of the fee may be retained by the town solely for the purpose of defraying costs and expenses related to establishing and maintaining an electronic citation system. The system shall collect and submit data in a form and manner prescribed by the supreme court to comply with the requirements of the judicial systems automation account under W.S. 5-2-120. The remaining portion of the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120. If a town enacts an ordinance prescribing an indigent civil legal services fee as provided in W.S. 5-6-108(a)(ii), the fee shall be remitted to the indigent civil legal services account established by W.S. 5-2-121.

#### **5-6-304. Citizens qualified to try causes where town a party.**

No person shall be an incompetent judge, justice or juror by reason of his being an inhabitant or freeholder in such town, in

any action or proceedings in which such town may be a party in interest.

## CHAPTER 7 - CLERKS OF COURT

### **5-7-101. General duties of clerk; under direction of court.**

The clerk of each of the courts shall exercise the powers conferred and perform the duties enjoined upon him by statute and by the common law; and in the performance of his duties he shall be under the direction of his court.

### **5-7-102. Precipe for writs and process.**

All writs and orders for provisional remedies and process of every kind shall be issued by the clerks of the several courts; but before they are issued, a precipe shall be filed with the clerk demanding the same.

### **5-7-103. Filing, preserving and use of papers; microfilming permitted.**

The clerk shall file together and carefully preserve in his office, all papers delivered to him for that purpose in every action or proceeding. He shall not permit the papers to be taken from his office except to be used at a session of the court or upon legal process, and he shall be liable upon his official bond to the party suffering injury on account of any violation of this section. This section shall not apply to matters in probate. Upon the order of the judge of the district, the clerk may transmit by express or registered mail to an attorney of the state appearing in the action or proceeding, who resides in a different county or away from the county seat, such original files as are not represented by copies in the clerk's office, and the clerk shall take the attorney's receipt for each paper in each case. Nothing in this section shall limit or prohibit the clerk from microfilming papers in his office, disposing of the originals in accordance with W.S. 9-2-411 and retaining the official microfilm in lieu of the original papers pursuant to W.S. 9-2-413.

### **5-7-104. Clerk's indorsement of papers.**

The clerk shall endorse upon every paper filed with him the date of the filing thereof, and upon every order for a provisional

remedy, and upon every undertaking given under the same, the date of its return to his office.

**5-7-105. Clerk to record proceedings of court.**

The clerk shall record the proceedings of the court.

**5-7-106. Repealed by Laws 2019, ch. 24, § 2.**

**5-7-107. Duties prescribed for clerks of district court applicable to all clerks.**

The provisions prescribing the duties of clerks of the district court shall, so far as they are applicable, apply to the clerks of other courts of record.

CHAPTER 8 - JUVENILE COURTS

**5-8-101. Establishment; judges; courts of record.**

Courts are established in each county of the state known as the "Juvenile Court of .... County, Wyoming." The district court judges of the state shall be the judges of the juvenile courts in the counties of their respective districts. Each juvenile court shall be a court of record with a seal and the judge, commissioner and clerk thereof have power to administer oaths and affirmations.

**5-8-102. Jurisdiction.**

(a) The juvenile court has general jurisdiction in all matters and proceedings commenced therein or transferred to it by order of the district court concerning:

(i) Any minor alleged to be delinquent as defined in W.S. 14-6-201;

(ii) Any minor alleged to have committed a delinquent act before attaining the age of majority;

(iii) Any minor alleged to be neglected as defined in W.S. 14-3-402;

(iv) Any minor alleged to be in need of supervision as defined in W.S. 14-6-402;

(v) The parents, guardian or custodian of any minor alleged to be delinquent, in need of supervision or neglected, and all persons living in the household with the minor; and

(vi) Procedures governing abortions performed upon minors as provided under W.S. 35-6-118. For proceedings under this paragraph, "minor" shall mean as defined in W.S. 35-6-101(a)(x).

## CHAPTER 9 - CIRCUIT COURTS

### ARTICLE 1 - GENERAL PROVISIONS

#### **5-9-101. Definitions; construction of provisions.**

(a) As used in this act unless the context otherwise requires:

(i) "Felony" means a criminal offense for which the penalty authorized by law includes imprisonment in a state penal institution for more than one (1) year;

(ii) "Misdemeanor" means a criminal offense which is not a felony.

(b) When no special provision is otherwise made by law, the circuit court shall be vested with all inherent powers which are possessed by courts of record in this state.

#### **5-9-102. Circuit court established; funding.**

(a) Pursuant to the provisions of section 10 of article 5 of the Wyoming Constitution, a circuit court is hereby established for each judicial district of the state of Wyoming enumerated in W.S. 5-3-101, and the boundaries of each circuit court shall be the same as those of each judicial district enumerated therein. Except as otherwise provided in this act, each county within the circuit shall receive the services of the circuit court.

(b) The judicial salaries, salaries of the clerical staff, supplies, operating costs, jury expenses and other expenses of the circuit court shall be paid by the state.

#### **5-9-103. Number and location of judges.**



(a) The legislature shall from time to time authorize the number and location of circuit court judges.

(b) The supreme court may, based on caseload studies, determine where within a circuit the circuit court judge shall reside.

**5-9-104. Repealed by Laws 2018, ch. 108, § 3.**

**5-9-105. Extending jurisdiction to try misdemeanors committed in violation of city or town ordinances.**

The governing body of any city or town situate within a judicial district in which a circuit court is established may petition the supreme court to extend the jurisdiction of the circuit court to determine and try all persons charged with violation of the ordinances of the city or town. The contribution that the city or town will make toward the expenses of the circuit court whose jurisdiction includes enforcing the ordinances of the city or town shall be set and paid as provided by written contract of the circuit judges and the governing board of the city or town involved, with the approval of the supreme court.

**5-9-106. Disposition of money collected for violations of city or town ordinances; disposition of fines and penalties under general state laws.**

All money collected by a judge of a circuit court for violations of ordinances of a city or town shall be paid into the general fund of the city or town whose ordinance was violated. The circuit court shall keep separate account books of funds for ordinance violations as designated by the Wyoming supreme court. All fines and penalties under the general laws of the state shall be paid into the county treasury to the credit of the public school fund of the county.

**5-9-107. Supreme court to adopt rules; establish fees and court costs; rules of civil and criminal procedure to govern courts.**

The Wyoming supreme court is hereby vested with management and supervisory powers over the circuit courts of the state of Wyoming, and shall, by rule of the supreme court establish procedures and regulations for the effective and expeditious administration of the business of the circuit courts and shall establish fees and costs for those courts. The Wyoming Rules of Civil Procedure for Circuit Courts and the Wyoming Rules of

Criminal Procedure for Circuit Courts, as amended or supplemented from time to time, shall govern circuit courts.

**5-9-108. Name of court; presider.**

The circuit court shall be called the "Circuit Court of the .... (Number of the Judicial District) Judicial District, .... (Name of County) County, State of Wyoming" which shall be a court of record. The circuit court shall be presided over by a circuit judge.

**5-9-109. Term of judges.**

The terms of circuit court judges shall be four (4) years. Each judge selected under the provisions of article 5, section 4, of the Wyoming Constitution shall serve for one (1) year after his appointment and until the first Monday in January following the next general election after the expiration of such year. He shall, at such general election, stand for retention in office throughout the circuit as provided in article 5, section 4, of the Wyoming Constitution.

**5-9-110. Judges to be nonpartisan; nomination and appointment.**

Judges of the circuit court shall be nonpartisan, shall be nominated and appointed and retained as provided by article 5, section 4, of the Wyoming Constitution.

**5-9-111. Qualifications for appointment.**

(a) To be eligible for appointment to the office of judge of a circuit court, a person shall be:

- (i) A qualified elector of the state; and
- (ii) Authorized to practice law in Wyoming.

**5-9-112. Appointment to fill vacancies in office.**

Vacancies occurring in the office of judge of a circuit court shall be filled as provided by article 5, section 4, of the Wyoming Constitution.

**5-9-113. Delivery of official records and papers to successor in office.**

If the office of judge of a circuit court becomes vacant by reason of death, removal from office, or otherwise, the senior circuit court judge, or if there is none, the clerk of the district court shall take charge of the official records and papers of the judge and deliver them to the successor in office of that judge.

**5-9-114. Jurisdiction of successor is same as that of predecessor in office.**

A judge of a circuit court with whom the records of his predecessor have been deposited has the same jurisdiction over all actions and proceedings entered in such records as if they were originally commenced before him.

**5-9-115. Repealed By Laws 2011, Ch. 57, § 1.**

**5-9-116. Salaries of judges; traveling expenses.**

Circuit court judges shall receive the annual salary provided by W.S. 5-1-110(a)(iii). When a new salary is effective for any judge of a circuit court upon new appointment or the commencement of a new term, it shall be effective for all judges of the circuit courts. In addition to salary, the state shall reimburse a judge of a circuit court for those traveling expenses actually incurred when the business of the circuit court requires his attendance more than five (5) miles from the place where he regularly holds court.

**5-9-117. Oath.**

Before assuming the duties of his office, a judge of a circuit court shall take and subscribe before a district judge or a clerk of a court of record the oath of office prescribed by the constitution of Wyoming.

**5-9-118. Judge may be district court commissioner; private practice of law prohibited; magistrate of circuit court permitted to practice law.**

A judge of a circuit court may be appointed to and hold the office of district court commissioner. A judge of a circuit court shall devote full time to the office and may not engage in the private practice of law. A magistrate of a circuit court, who is otherwise authorized to practice law in Wyoming, may engage in the private practice of law so long as that practice

does not conflict with his duties as magistrate of a circuit court.

**5-9-119. Judges may hold court for each other; expenses of judge holding court in another circuit or district; disqualification of judge; change of venue prohibited; assignment of retired judges.**

(a) The judges of the circuit courts may hold court for each other and shall do so when required by law. The expenses of any judge of a circuit court holding court in any circuit other than his own or in any district court pursuant to assignment under W.S. 5-3-112, including travel expenses and his expenses while holding court, shall be charged to the contingent fund of the circuit court in whose circuit he is holding court or to the contingent fund of the district court in whose district he is holding court pursuant to assignment under W.S. 5-3-112.

(b) A party to any action in circuit court may disqualify a circuit judge as provided by rules adopted by the supreme court for disqualification. Upon disqualification, or inability for any reason to fulfill his duties, the circuit judge shall appoint another circuit judge from his own or a different circuit or a district judge from his own or a different district, or a magistrate from the county in which the case is to be tried if no other circuit judge is available, to try the action.

(c) There shall be no change of venue for civil actions triable in circuit court.

(d) Any retired circuit court judge of this state who is not practicing law may, with his consent and the consent of the chief justice, at the request of a circuit court judge be assigned to hear a case in a circuit court as otherwise authorized by law. During any period of assignment, a retired circuit court judge shall receive as compensation an amount equal to the current compensation of a judge of the court to which he is assigned. The compensation received by a retired circuit court judge during any period of assignment shall not affect the receipt of any retirement allowance of the retired circuit court judge during the period of assignment. Assignments of retired circuit court judges under this section shall only be made in a manner that does not jeopardize the qualified status of state retirement plans established by the Wyoming legislature. When called to serve, a retired circuit court judge shall receive the same per diem and travel allowance

as allowed active circuit court judges. Per diem allowances and compensation shall be paid from the contingent fund of the court to which the retired judge is assigned.

**5-9-120. Judicial robe.**

While holding court, judges of a circuit court shall wear a black judicial robe.

**5-9-121. Seal of court.**

Each circuit court shall have a seal. Each court shall use a seal having upon it the inscription: "Circuit Court of the .... (Number of the Judicial District) Judicial District, .... (Name of County) County, State of Wyoming". The seal of a circuit court shall be affixed by a stamp that reproduces legibly under photographic processes. A judge of a circuit court shall affix his seal to every jurat or certificate of his official acts without additional fee.

**5-9-122. Budget.**

The supreme court shall submit one (1) budget for the operation of all circuit courts, itemized by circuit, to the legislature for appropriation for each biennial period using forms and following procedures provided by law for state agencies funded by legislative appropriation. The supreme court shall submit the circuit courts' budget in the same manner as provided for the supreme court budget in W.S. 5-2-123.

**5-9-123. Clerical assistants.**

A judge of a circuit court may appoint clerical assistants as necessary for the efficient operation of the court, within the limits of the approved budget.

**5-9-124. County to provide quarters and equipment; state to furnish certain property for judges.**

The board of county commissioners shall provide suitable quarters to house the circuit court and shall provide necessary furniture and fixtures to enable it to function in accordance with this act. Each judge shall be furnished by the state of Wyoming, without charge, the American and Wyoming state flags, the latest edition of the Wyoming Statutes, cumulative supplements thereto and the latest Session Laws of Wyoming. All property furnished to a judge shall remain the property of the

governmental unit supplying the same, and upon termination of a judge's term of office, shall be transmitted to his successor in office.

**5-9-125. Court continuously in session.**

The circuit court shall be continuously in session.

**5-9-126. Business hours; judge to be always available for criminal matters.**

Circuit courts shall be open for the transaction of business during regular business hours, and in criminal matters a judge, magistrate or district court commissioner shall be available at all times for fixing and accepting bail, issuing warrants including search warrants, and conducting arraignment proceedings.

**5-9-127. Process extends throughout state.**

The process of a circuit court shall extend throughout the state.

**5-9-128. Civil jurisdiction.**

(a) Each circuit court has exclusive original civil jurisdiction within the boundaries of the state for:

(i) An action where the prayer for recovery is an amount not exceeding fifty thousand dollars (\$50,000.00), exclusive of court costs;

(ii) Actions to recover specific personal property the value of which does not exceed fifty thousand dollars (\$50,000.00), exclusive of court costs and shall be prosecuted in accordance with W.S. 1-15-301 through 1-15-306;

(iii) Actions to foreclose or enforce a lien on or security interest in personal property perfected under the Uniform Commercial Code, W.S. 34.1-1-101 through 34.1-10-104, when the amount claimed on the lien or security interest does not exceed fifty thousand dollars (\$50,000.00), exclusive of court costs;

(iv) Actions for small claims as provided by W.S. 1-21-201 through 1-21-205;

(v) Actions for forcible entry or detainer as provided by W.S. 1-21-1001 through 1-21-1016;

(vi) Actions to foreclose and enforce the following statutory liens only, when the amount claimed on the lien does not exceed fifty thousand dollars (\$50,000.00), exclusive of court costs:

(A) Construction liens as provided by W.S. 29-2-101 through 29-2-113;

(B) Liens for labor and materials as provided by W.S. 29-4-101 and 29-4-102;

(C) Liens for labor and services as provided by W.S. 29-5-101 through 29-5-106 and 29-7-101 through 29-7-301; and

(D) Liens for taxes as provided by W.S. 39-15-108(d) and 39-16-108(d).

(vii) Actions to dispose of an abandoned vehicle as provided by W.S. 31-13-112(e), regardless of the value of the abandoned vehicle.

(b) The circuit court may issue writs of attachment or garnishment as provided by W.S. 1-15-101 through 1-15-212 and 1-15-401 through 1-15-511, and may issue judgment, execution and stay of execution, and order the sale of the property seized under execution as provided by W.S. 1-19-101 through 1-19-108 and 1-21-401 through 1-21-703. A writ of execution issuing from a circuit court shall be in the form and subject to the provisions of W.S. 1-17-308.

(c) The judge may submit to arbitration any civil matter pending in circuit court, upon agreement of the parties as provided by W.S. 1-21-801 through 1-21-804, or upon application of either party showing an arbitration agreement and refusal of the opposing party to arbitrate as provided by W.S. 1-36-101 through 1-36-119.

(d) The provisions of W.S. 5-1-107 pertaining to the exercise of personal jurisdiction apply in the circuit courts.

(e) The circuit court shall have jurisdiction to enforce and make findings under the Uniform Fiduciary Access to Digital Assets Act, W.S. 2-3-1001 through 2-3-1017. This jurisdiction

shall include the authority to make necessary findings concerning compliance with federal law as required by the Uniform Fiduciary Access to Digital Assets Act.

**5-9-129. Criminal jurisdiction.**

Circuit courts have original jurisdiction in all misdemeanor criminal cases.

**5-9-130. Concurrent jurisdiction.**

For purposes of assignment, all circuit court judges throughout the state shall have concurrent jurisdiction with all district court judges throughout the state.

**5-9-131. Assignment to district court judge.**

(a) A circuit court judge may assign to a district court judge any case or proceeding within the jurisdiction of the circuit court subject only to the following restrictions:

(i) Rules promulgated by the supreme court; and

(ii) Acceptance of the judge to whom the assignment of the case or proceeding is to be made.

(b) The law and rules governing circuit court and appeals therefrom shall apply to a case or proceeding assigned pursuant to this section.

**5-9-132. Authority to set bail; preliminary examinations.**

(a) Judges and magistrates of the circuit court are authorized to set bail before trial in accordance with this subsection and with the rules of the Wyoming supreme court. Judges and magistrates of the circuit court shall have the power and the duty to decide promptly the bail application of any person arrested for a violation of state law within the county, whether or not the formal document charging the person with a violation of state law has been filed with the court.

(b) Preliminary examinations for persons charged with a felony shall be conducted by the circuit court judge or magistrate.



(c) Preliminary examinations of persons charged with a misdemeanor shall not be conducted for a determination of probable cause.

**5-9-133. Powers generally.**

(a) A circuit court may:

(i) Preserve and enforce order in its immediate presence and in the proceedings before it according to the Wyoming Rules of Criminal Procedure for Circuit Courts and punish for contempt as provided therein;

(ii) Compel obedience to its judgments, orders, and processes;

(iii) Control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with judicial proceedings before it, in every matter pertaining thereto;

(iv) Issue warrants, including search warrants, summonses, subpoenas or other process in civil and criminal cases;

(v) Administer oaths and affirmations and take bail, acknowledgments, affidavits, and depositions;

(vi) Amend and control its process and orders to make them conformable to law and justice;

(vii) Proceed to trial, render judgment, and grant writs of execution to carry into effect any order or judgment of the court;

(viii) Perform marriage ceremonies.

**5-9-134. Probation; correction and reduction of sentence.**

The circuit court may place a criminal defendant on probation pursuant to W.S. 7-13-301 through 7-13-307. Notwithstanding any other provision of law, the probation period for a defendant whose disposition includes participation in a substance abuse treatment program or a court supervised treatment program may exceed the maximum term of imprisonment established for the offense, but shall not exceed three (3) years. The court shall conduct, on at least a monthly basis, a review on the progress

of a defendant sentenced to treatment under this section. The review may be conducted in a manner the court deems appropriate, but shall include receiving regular progress reports from the treatment provider.

**5-9-135. Filing fee.**

For all civil matters the circuit court shall collect from the plaintiff an original filing fee of twenty dollars (\$20.00), a court automation fee of forty dollars (\$40.00), and an indigent civil legal services fee of ten dollars (\$10.00) excluding small claims civil actions as provided in W.S. 1-21-201 through 1-21-205 which shall have a filing fee of ten dollars (\$10.00). The court automation fee shall be deposited into the judicial systems automation account and the indigent civil legal services fee shall be deposited into the indigent civil legal services account as provided by W.S. 5-9-144.

**5-9-136. Request for jury in civil actions; fee; right to jury in criminal actions.**

In civil actions in a circuit court, a jury shall be considered waived unless demand is made by either party as provided by the Wyoming Rules of Civil Procedure and a jury fee in the amount provided by the Wyoming Rules of Civil Procedure is paid to the clerk of the circuit court and thereafter is deposited and dispersed as provided by the Wyoming Rules of Civil Procedure. In criminal proceedings in a circuit court the accused shall have the right to a trial by jury unless such right is waived as provided by the Wyoming Rules of Criminal Procedure.

**5-9-137. Jury lists.**

Jurors shall be selected from the jury lists selected for the district courts of the state pursuant to the provisions of W.S. 1-11-101 through 1-11-204.

**5-9-138. Abstract of judgment; lien of judgment on real estate; lien on real estate in another county.**

(a) At any time while the papers in any case in which a judgment has been rendered by a circuit court are retained by the court, the judge shall certify and deliver an abstract of the judgment to any person on the payment of a five dollar (\$5.00) fee.

(b) The judgment creditor in any judgment rendered in circuit court may file with the clerk of the district court and record with the county clerk of the county in which the judgment was rendered a transcript thereof, certifying therein the amount paid thereon, if any. The clerk of the district court shall enter the case on the execution docket, together with the amount of the judgment. If within ten (10) days after the judgment was rendered, the judgment debtor pays the same or gives bond for stay of execution, the circuit judge shall immediately certify that fact to the clerk of the district court and the county clerk. The clerk of the district court shall enter a memorandum thereof upon the execution docket. The cost of the transcript, the filing, recording and the entry on the docket shall be paid by the party who files and records the transcript and may be taxed to the other party. The judgment shall be a lien on the real estate of the judgment debtor within the county from the day and time the transcript is recorded with the county clerk. Execution may be issued on the judgment at any time after filing the transcript with the clerk of the district court as if the judgment had been rendered in the district court.

(c) The judgment creditor in any judgment rendered by any circuit court in this state and filed in the judgment record of the district court, may file a transcript of the judgment record of the district court with the clerk of the district court and record a transcript of the judgment with the county clerk in any other county within this state where the judgment debtor owns real estate. The judgment is a lien upon all real estate of the judgment debtor in any county in which the transcript is recorded with the county clerk from the date of recording with the county clerk. The clerk of the district court of any county in which the transcript is filed shall enter the judgment upon the judgment records of the court in the same manner as judgments are rendered in that court.

#### **5-9-139. Reporting of proceedings; preservation thereof.**

(a) In any judicial proceedings before the circuit court, unless waived by the parties whenever the presiding judge of a circuit court shall deem it necessary, or upon the request of either party, the court shall provide for the reporting of the testimony and proceedings, with objections made, the rulings of the court, and oral and written charges. The reporting may be made by stenographic reporting, electronic recording or other appropriate means authorized by the court.

(b) The testimony and proceedings shall be retained and preserved for at least twelve (12) months after entry of final judgment, sentence, or order on appeal if an appeal is taken.

**5-9-140. Appointment of special reporters; certification of transcript.**

If the record is to be made by a stenographic reporter, the judge shall appoint a special stenographic reporter to report the testimony and proceedings. If the record is made by means of electronic recording, the judge shall appoint a special reporter to make the electronic recording, and in those cases in which it is required, the judge shall appoint an official stenographer to furnish with reasonable diligence a typewritten transcript of the testimony and proceedings. The report of the official stenographer, when typewritten and certified by him as a correct transcript of the testimony and proceedings in the case, shall be prima facie a correct statement of such testimony and proceedings. The signature of the stenographer on the certification of the transcript shall be duly acknowledged by him before a notarial officer of this state.

**5-9-141. Civil and criminal cases reviewed on record.**

In civil and criminal cases a judge of a district court shall review the case on the record on appeal.

**5-9-142. Stay of execution on judgment; bond.**

In a civil matter no execution on a judgment may be stayed unless and until the party applying for the appeal, or someone for him, gives bond in an amount and with sufficient surety approved by the judge of the district court or the clerk of the district court, to abide by such judgment as may be rendered on appeal if such appeal is perfected, or if not so perfected, then to satisfy the judgment of the circuit court. If such bond is furnished by or on behalf of any party against whom the judgment has been rendered for money or property or both, the bond shall be conditioned for the performance and satisfaction of such judgment or order as may be entered against such party on appeal, and for the payment of all costs and damages which may be awarded against him in the district court. If the appeal is by a party against whom there is no recovery except for costs, the bond shall be conditioned for the payment of such costs and damages as may be awarded against him on the appeal.

**5-9-143. Security on appeal.**

The district court to which an appeal is taken from a circuit court in a civil case may on motion for good cause shown, after five (5) days notice to the appellant, require the appellant to give new or additional security. If the security is not given within the time prescribed by the district court, the appeal shall be dismissed with costs, and the judgment of the circuit court shall remain in effect, and the district court shall enter judgment and award execution thereon, with costs, against the appellant and his surety.

**5-9-144. Receipts for money paid into court.**

When any money is paid into a circuit court, a receipt for said amount shall be issued promptly upon a form prescribed by the Wyoming supreme court. The receipts shall be prenumbered in numerical sequence. The original copy shall be delivered to a payor making payment by cash or in person, otherwise the original shall be attached to the court file. A copy shall be filed in the office of the issuing judge. The receipts shall be prenumbered by the printer, and the printer shall give to the supreme court a receipt showing the numbers so printed. Except as provided in W.S. 5-9-106, the circuit court shall pay all fines, forfeitures and other penalties to the county treasurer and all fees, costs and other receipts to the state treasurer. The court automation fee prescribed by W.S. 5-9-135 or established by court rule shall be deposited by the state treasurer into the judicial systems automation account established by W.S. 5-2-120. The indigent civil legal services fee prescribed by W.S. 5-9-135 shall be deposited by the state treasurer into the indigent civil legal services account established by W.S. 5-2-121. The police officer continuing education and training fee prescribed by W.S. 31-5-1201(h) shall be deposited by the state treasurer into the account in the enterprise fund under W.S. 9-1-633(n).

**5-9-145. Failure of judge to give receipt constitutes cause for removal from office.**

Failure, refusal, or neglect of a judge of a circuit court to give a receipt as required by W.S. 5-9-144, for any money paid into the circuit court is misconduct, which constitutes cause for removal from office.

**5-9-146. Deposit of money with county or state treasurer.**

When any fines, forfeitures, costs or fees are deposited with the judge of a circuit court pursuant to any action or proceedings in the court, or pursuant to any order, decree or judgment of the court, the money in his possession shall be deposited no later than the tenth day following the month of receipt with the county or state treasurer, except as provided in W.S. 5-9-106. If the money has not been so deposited by the tenth day of the month and no just cause is shown, said judge shall forfeit twenty-five dollars (\$25.00) a day for each day after the tenth day of the month during which the deposits have not been made.

**5-9-147. Supreme court to establish uniform accounting system.**

The Wyoming supreme court shall establish, supervise, and as necessary from time to time, modify a uniform system of accounting, including a system of regular audits for circuit courts, to provide for the proper and uniform accounting of all money received and disbursed by circuit courts, and all judges of the circuit courts shall comply therewith.

**5-9-148. Failure to keep accounts or account for money.**

Failure to keep accounts pursuant to the system established by the Wyoming supreme court or failure to account for money paid into and disbursed by the circuit court is misconduct, which may constitute cause for removal from office.

**5-9-149. Bank accounts.**

The accounting system established by the Wyoming supreme court may provide for bank accounts for each circuit court in which money received by the circuit court may be deposited and disbursed as provided therein, and for such records, reports and procedures as the supreme court requires. If a bank account is established into which fines, costs or forfeitures are deposited, the accounting system established by the supreme court shall require, where available, the use of accounts in a financial institution authorized by W.S. 9-4-803(a) which may earn interest, in which the deposits are subject to payment upon demand and which are insured or secured as provided in W.S. 9-4-817(c). Interest earned on deposits of fines and forfeitures in such accounts shall be forwarded monthly to the county treasurer and credited to the county public school fund. Interest earned on all other deposits in such accounts shall be forwarded to the

state treasurer quarterly and credited to the victim's compensation account created by W.S. 1-40-114(a).

**5-9-150. Examination of accounts.**

The accounts of each circuit court shall be examined by the Wyoming supreme court in accordance with rules adopted by the supreme court.

**5-9-151. Annual accounts submitted to state auditor and supreme court.**

Each circuit court shall submit annual accounts to the state auditor and supreme court under rules prescribed by the supreme court.

**5-9-152. Suit to enforce collection or transmittal of fines; failure to transmit constitutes cause for removal from office; liability on judge's bond.**

(a) If it is apparent through examination conducted by the Wyoming supreme court, or by other means, that any fines or forfeitures have not been transmitted, the county attorney shall bring suit to enforce the collection or transmittal, or both. Failure to transmit fines, forfeitures or costs is misconduct which constitutes cause for removal from office.

(b) Repealed By Laws 2011, Ch. 57, § 1.

**5-9-153. Examination of court records by public, department of audit, attorney general and county attorneys permitted.**

The records kept by a judge of a circuit court shall be public and available for examination during the regular business hours of the court. The state department of audit, Wyoming supreme court, the attorney general or the county attorney of the particular county in which the circuit court is situated may examine them at any time upon demand.

**5-9-154. Electronic submittal of fees, fines, bonds and penalties.**

(a) The supreme court may authorize, develop and implement an electronic transaction system via internet technology or similar medium for submittal of payment to the circuit courts of all fees, penalties and fines and bonds for misdemeanor offenses

for which bond may be posted and forfeited. The supreme court shall ensure that any electronic transaction system implemented shall ensure compliance with W.S. 5-9-144, 5-9-146, 5-9-149 and any other applicable provisions of law. The supreme court shall further ensure that the adopted electronic transaction system provides for efficient, safe, secure and accurate transactions.

(b) The supreme court may accept payment through the electronic system by credit card, direct withdrawal or any other negotiable instrument under W.S. 9-4-217(h).

(c) Any fees assessed for processing a credit card payment shall be borne by the person tendering payment.

## ARTICLE 2 - MAGISTRATES OF THE CIRCUIT COURT

### **5-9-201. Qualifications for magistrates.**

(a) A full-time magistrate of the circuit court under W.S. 5-9-206 shall be a qualified elector and a resident of the county for which appointed.

(b) A part-time magistrate of the circuit court under W.S. 5-9-210 shall be a qualified elector and a resident of the district within which the circuit court is located.

### **5-9-202. Circuit court to enter order appointing magistrates.**

The circuit court in open court shall enter an order appointing each full-time magistrate of the circuit court under W.S. 5-9-206 and each part-time magistrate of the circuit court under W.S. 5-9-210 and shall enter the order upon the journal. A certified copy of the journal entry shall be evidence of the appointment in all courts of this state.

### **5-9-203. Oath.**

Magistrates of the circuit court, before entering upon the discharge of their official duties, shall take and subscribe before a circuit court judge or a clerk of a court of record the oath of office prescribed by the constitution of Wyoming.

### **5-9-204. Record of official actions.**



Each magistrate of the circuit court shall enter a record of his official actions in a journal in the circuit court. The entries shall be signed by the magistrate.

**5-9-205. Repealed By Laws 2011, Ch. 57, § 1.**

**5-9-206. Full-time magistrates; selection.**

(a) In every county receiving the services of a circuit court and wherein a circuit court judge does not reside, there may be one (1) full-time magistrate who shall meet the qualifications under W.S. 5-9-201.

(b) Upon determination by the supreme court after consultation with the appropriate board of county commissioners, that a full-time magistrate is necessary, all of the circuit judges whose circuit includes the county together shall agree upon a person to fill the office of a full-time magistrate under subsection (a) of this section. The name of the agreed upon person shall be submitted for approval or rejection to the board of county commissioners of the county wherein the full-time magistrate will serve. Upon approval by the board, the circuit court shall appoint the person as a magistrate as provided in W.S. 5-9-202.

(c) When a vacancy occurs in the office of a full-time magistrate, the supreme court shall determine whether a full-time magistrate shall be appointed. In making its determination, the supreme court shall take into account whether one (1) or more part-time magistrates will sufficiently meet the needs of the county. If the supreme court after consultation with the appropriate board of county commissioners, determines that a full-time magistrate shall not be appointed, one (1) or more part-time magistrates shall be appointed as provided in W.S. 5-9-210.

**5-9-207. Full-time magistrates; term of office; retention; removal.**

(a) The term of office of each full-time magistrate selected under W.S. 5-9-206 and appointed under W.S. 5-9-202 shall be four (4) years. The magistrate shall serve for one (1) year after that person's appointment and until the first Monday in January following the next general election after the expiration of that year.

(b) At the general election, the full-time magistrate shall stand for retention in office in the county wherein the magistrate was appointed. Irrespective of any vote of the electorate whereby the magistrate is retained in office, the circuit judges of the circuit by unanimous vote may remove the magistrate.

**5-9-208. Full-time magistrates; powers of magistrates who are authorized to practice law; powers of magistrates who are not authorized to practice law.**

(a) At the direction of the circuit judges of a circuit or the supreme court, a full-time magistrate of the circuit court who is authorized to practice law in Wyoming may perform all of the duties of a circuit court judge presiding in circuit court as authorized by law and rules. Upon direction, the magistrate shall have all of the powers of a circuit court judge presiding in circuit court as authorized by law and rules. A magistrate shall not preside in or hear or decide any district court proceeding or case in circuit court pursuant to assignment under W.S. 5-3-112.

(b) Notwithstanding subsection (a) of this section and upon request and consent of all parties to a proceeding or case in circuit court and subject to the approval of the circuit judge presiding in the proceeding or case, a full-time magistrate who is authorized to practice law in Wyoming may hear and determine any and all matters relating to the proceeding or case that are within the jurisdiction of the circuit court, except the magistrate shall not preside in or hear or decide any district court proceeding or case in circuit court pursuant to assignment under W.S. 5-3-112.

(c) At the direction of the circuit court judges of a circuit court, a full-time magistrate of the circuit court who is not authorized to practice law in Wyoming may within the county from which appointed:

(i) Administer an oath or affirmation authorized or required by law to be administered;

(ii) Take acknowledgment of deeds, mortgages and other instruments in writing;

(iii) Perform marriage ceremonies;

(iv) Issue subpoenas for witnesses, and require their attendance in causes or matters pending before them, or other cause or matter wherein they may be required to take depositions;

(v) Try the action for forcible entry and detainer, as set forth in W.S. 1-21-1001 through 1-21-1016;

(vi) Proceed against sureties for costs and amount of bail, on the stay of execution on their dockets;

(vii) Issue attachments, executions and garnishments, and proceed against the goods and effects of debtors in certain cases, as provided by law;

(viii) Issue executions on judgments rendered by them;

(ix) Try the right of the claimant to property taken in execution, garnishment or on attachment;

(x) Try all civil actions where the amount in controversy, exclusive of costs, does not exceed five thousand dollars (\$5,000.00);

(xi) Try an action upon bonds, conditioned for the payment of money, where the amount claimed does not exceed two hundred dollars (\$200.00), though the penalty exceeds that sum, the judgment to be given for the sum actually due;

(xii) Hear and determine an action brought upon any instrument payable in installments, as each installment becomes due, when such instrument and amounts shall be within the magistrate's jurisdiction;

(xiii) Enter the following judgments, when the amount does not exceed the magistrate's jurisdiction:

(A) Judgment by default;

(B) Summary judgment;

(C) Judgment on the pleadings;

(D) Judgment on the confession of a party;

(E) Set aside default judgments; and

(F) Issue any order a circuit judge can enter in chambers.

(xiv) Try an action for disposition of an abandoned vehicle as provided by W.S. 31-13-112(e), regardless of the value of the abandoned vehicle;

(xv) Issue warrants or summonses in criminal cases in accordance with the rules promulgated by the Wyoming supreme court. A warrant or summons issued by the magistrate charging any crime may be executed or served at any place within the state;

(xvi) Set bail in criminal proceedings, including bail for witnesses, in accordance with the provisions of W.S. 5-9-132(a) and the rules promulgated by the Wyoming supreme court;

(xvii) In accordance with the Wyoming Rules of Criminal Procedure, conduct extradition proceedings, initial appearances and preliminary examinations for persons charged with felonies;

(xviii) Arraign, try, and sentence defendants in criminal cases amounting to misdemeanors for which the punishment prescribed by law does not exceed imprisonment for more than one (1) year, regardless of the amount of the fine that may be imposed. In relation to such misdemeanors, this includes the power to accept plea agreements, order the examination of a defendant who enters a plea of not guilty by reason of mental illness or deficiency or not triable by reason of mental illness or deficiency, order presentence investigations, order substance abuse evaluations, order and conduct pretrial conferences, enter orders for sentencing, impose sentence, impose terms of probation, issue orders to show cause, conduct show cause hearings and enter such other orders as a circuit judge may enter in chambers when the circuit judge is unavailable, when the judge has recused himself from the case or when the judge has been peremptorily disqualified from hearing a case. In criminal cases where a full-time magistrate may sentence a defendant to imprisonment for not more than one (1) year and the law authorizes imposition of a term of probation that exceeds the maximum term of incarceration established for the offense, the magistrate may sentence the defendant to probation as authorized by such law;

(xix) Correct an illegal sentence imposed in a criminal case or reduce a sentence at any time;

(xx) Preserve and enforce order in his immediate presence and in the proceedings before him; and

(xxi) Hear and issue orders in peace bond, stalking and domestic violence cases under Wyoming statutes, title 7, chapter 3 and title 35, chapter 21.

**5-9-209. Full-time magistrates; salary.**

A full-time magistrate of the circuit court shall receive an annual salary and benefits as determined by the legislature. The salary and benefits shall be paid by the state in equal monthly allotments.

**5-9-210. Part-time magistrates; selection.**

(a) In a county receiving the services of a circuit court and whether or not a circuit court judge resides in the county, there may be one (1) or more part-time magistrates each of whom shall meet the qualifications under W.S. 5-9-201 and each shall be appointed as provided in subsection (b) of this section.

(b) If a circuit court judge finds the public interest requires a magistrate for any county within that judge's circuit irrespective of where the circuit court judge resides, then the circuit judge shall submit the name of the person for approval or rejection to the board of county commissioners of the county wherein the magistrate will serve. Upon approval by the board, the circuit court shall appoint the part-time magistrate as provided in W.S. 5-9-202.

**5-9-211. Part-time magistrates; tenure.**

Each part-time magistrate appointed under W.S. 5-9-202 shall serve continuously and solely at the pleasure of the appointing circuit court judge.

**5-9-212. Part-time magistrates; powers.**

(a) At the direction of the circuit judges of a circuit or the supreme court, a part-time magistrate of the circuit court shall have the powers in respect to every suit or proceeding pending in the circuit court of the county for which he was appointed as follows:

(i) Administer an oath or affirmation authorized or required by law to be administered;

(ii) Take acknowledgment of deeds, mortgages and other instruments in writing;

(iii) Perform marriage ceremonies;

(iv) Issue subpoenas for witnesses, and coerce their attendance in causes or matters pending before them, or other cause or matter wherein they may be required to take depositions;

(v) Try the action for forcible entry and detainer, as set forth in W.S. 1-21-1001 through 1-21-1016;

(vi) Proceed against sureties for costs and amount of bail, on the stay of execution on their dockets;

(vii) Enter the following judgments, when the amount does not exceed the magistrate's jurisdiction:

(A) Judgment by default;

(B) Summary judgment;

(C) Judgment on the pleadings;

(D) Judgment on the confession of a party;

(E) Set aside default judgments; and

(F) Issue any order a circuit judge can enter in chambers.

(viii) Try an action for disposition of an abandoned vehicle as provided by W.S. 31-13-112(e), regardless of the value of the abandoned vehicle;

(ix) Issue warrants, including search warrants and arrest warrants, or summonses in criminal cases in accordance with the rules promulgated by the Wyoming supreme court. A warrant or summons issued by the magistrate charging any crime may be executed or served at any place within the state;

(x) Set bail in criminal proceedings, including bail for witnesses, in accordance with the provisions of W.S. 5-9-132(a) and the rules promulgated by the Wyoming supreme court;

(xi) In accordance with the Wyoming Rules of Criminal Procedure, conduct extradition proceedings, initial appearances and preliminary examinations for persons charged with felonies;

(xii) Preserve and enforce order in his immediate presence and in the proceedings before him;

(xiii) Hear and issue orders in peace bond, stalking and domestic violence cases under Wyoming Statutes title 7, chapter 20 and title 35, chapter 21;

(xiv) Conduct small claims trials;

(xv) In misdemeanor cases, to conduct arraignments, accept plea agreements, order the examination of a defendant who enters a plea of not guilty by reason of mental illness or deficiency or not triable by reason of mental illness or deficiency, order presentence investigations, order substance abuse evaluations, order and conduct pretrial conferences, enter orders for sentencing, impose sentence, impose terms of probation, issue orders to show cause, conduct show cause hearings, and enter such other orders as a circuit judge may enter in chambers when the circuit judge is unavailable, when the judge has recused himself from a case or when the judge has been peremptorily disqualified from hearing a case.

(b) Notwithstanding subsection (a) of this section and upon request and consent of all parties to a proceeding or case in circuit court and subject to the approval of the circuit judge presiding in the proceeding or case, a part-time magistrate who is authorized to practice law in Wyoming may hear and determine any and all matters relating to the proceeding or case that are within the jurisdiction of the circuit court, except the magistrate shall not preside in or hear or decide any district court proceeding or case in circuit court pursuant to assignment under W.S. 5-3-112.

#### **5-9-213. Part-time magistrates; pay.**

A part-time magistrate of the circuit court shall be paid by the state. A claim for compensation under this section shall be made by voucher, verified under oath, setting forth in detail the

services performed, time expended and amount of compensation claimed. No claim for compensation under this section shall be paid unless approved and allowed by a judge of the circuit court.

**5-9-214. Circuit court to review orders; approval or disapproval.**

The circuit court shall at each term review and approve or disapprove, reverse or modify orders made by, and proceedings had before, magistrates in proceedings under W.S. 5-9-208(c) (v), (vii) through (ix), (xiii) (F) and (xvii) and 5-9-212(a) (v), (vii), (xi) and (xiii) through (xv).

CHAPTER 10 - DRUG COURTS

**5-10-101. Repealed By Laws 2009, Ch. 145, § 3.**

**5-10-102. Repealed By Laws 2009, Ch. 145, § 3.**

**5-10-103. Repealed By Laws 2009, Ch. 145, § 3.**

**5-10-104. Repealed By Laws 2009, Ch. 145, § 3.**

**5-10-105. Repealed By Laws 2009, Ch. 145, § 3.**

**5-10-106. Repealed By Laws 2009, Ch. 145, § 3.**

**5-10-107. Repealed By Laws 2009, Ch. 145, § 3.**

CHAPTER 11 - WYOMING COURT SECURITY ACT

**5-11-101. Wyoming court security commission created; membership; powers and duties; compensation; report required.**

(a) The Wyoming court security commission is created under the supervision of the Wyoming supreme court. The commission shall be composed of the director of the office of homeland security or his designee and nine (9) additional members who shall be appointed for a term of three (3) years commencing July 1, 2008, who may be reappointed to serve subsequent terms. The nine (9) additional members shall include:

(i) One (1) justice of the Wyoming supreme court, appointed by the chief justice;



(ii) One (1) district court judge, appointed by the board of judicial policy and administration;

(iii) One (1) circuit court judge, appointed by the board of judicial policy and administration;

(iv) One (1) county commissioner, appointed by the governor;

(v) One (1) county sheriff, appointed by the governor;

(vi) One (1) representative of the Wyoming peace officer's standards and training commission, appointed by the governor;

(vii) Two (2) legislators, one (1) from each house, appointed by the speaker of the house and president of the senate respectively;

(viii) One (1) district attorney or county attorney, appointed by the governor.

(b) Nonlegislative members of the commission shall receive no compensation, but shall be reimbursed under W.S. 9-3-102 and 9-3-103 for per diem and travel expenses incurred in the performance of their duties on the commission.

(c) The legislative members shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the commission, as provided in W.S. 28-5-101.

(d) The commission shall meet at least two (2) times per year.

(e) The commission shall:

(i) Establish standards to protect life, property and the judicial process in the Wyoming court system. In establishing the standards, the commission shall recommend proper levels of court security to each county with due consideration of each county's size, use of court facilities and security risks. The standards shall include:

(A) Requirements concerning equipment, facilities and architecture for court security purposes;

(B) Basic training requirements for peace officers authorized to act as court security officers;

(C) Basic protocol and procedures for court security; and

(D) Requirements for the establishment of local court security management committees.

(ii) Visit and inspect any court security program at any appropriate time;

(iii) Recommend to the legislature the distribution of funds to counties as may from time to time be appropriated by the legislature for the provision of court security;

(iv) Report no later than September 1, 2009, and annually thereafter to the governor, chief justice of the supreme court, joint judiciary interim committee and the joint appropriations interim committee on the status of court security in the state.

(f) The supreme court shall provide necessary administrative support for the commission.

## CHAPTER 12 - COURT SUPERVISED TREATMENT PROGRAMS

### **5-12-101. Court supervised treatment.**

Any district, juvenile, circuit, municipal or tribal court judge or circuit court magistrate may act as a participating judge in a court supervised treatment program established pursuant to W.S. 7-13-1601 through 7-13-1615.

### **5-12-102. Rules.**

The Wyoming supreme court may promulgate rules of practice for the participation of judges in court supervised treatment programs.

### **5-12-103. Judicial immunity.**

A judge participating in a court supervised treatment program shall be entitled to immunity for actions taken in a court supervised treatment program to the same extent the judge would

be entitled to immunity for other actions performed in accordance with law.

## CHAPTER 13 - CHANCERY COURTS

### ARTICLE 1 - GENERAL PROVISIONS

#### **5-13-101. Chancery court established.**

Pursuant to the provisions of article 5, section 1 of the Wyoming Constitution, the chancery court of the state of Wyoming is hereby established for the state of Wyoming.

#### **5-13-102. Chancery court fund account created; purposes.**

(a) There is created an account entitled "the chancery court account." The chancery court account shall receive all filing fees received by the chancery court. Any interest accruing to the account shall be retained in the account and may be expended for the purposes provided in this section. No funds shall be expended from the account until the legislature appropriates the funds. Funds within the account shall be used for the purpose of funding operation of the chancery courts, including judicial salaries, staff salaries, supplies, operating costs and other expenses of the chancery court.

(b) The judicial salaries, staff salaries, supplies, operating costs and other expenses of the chancery court may be appropriated by the legislature from the general fund, or other fund, to the extent sufficient funds are not available in the chancery court account.

#### **5-13-103. Number of judges; location of chambers; concurrent jurisdiction.**

(a) The chancery court of the state of Wyoming shall consist of no more than three (3) judges. The location of chambers and assignment of cases shall be prescribed by rules promulgated by the supreme court.

(b) All chancery court judges in the state shall have concurrent jurisdiction throughout the state as provided in W.S. 5-13-115(d).

#### **5-13-104. Supreme court to adopt rules; fees and court costs; rules of procedure to govern courts; place for holding court; inherent powers; appeals.**

(a) The Wyoming supreme court is hereby vested with management and supervisory powers, including financial auditing authority, over the chancery court of the state of Wyoming. The Wyoming supreme court shall establish procedures and regulations for the effective and expeditious resolution of disputes between parties and the administration of the business of the chancery court, including the Wyoming Rules of Civil Procedure for the Chancery Courts and procedures for:

(i) The filing of an action with the chancery court;

(ii) The removal of an existing case from another court to the chancery court;

(iii) The removal, by the non-filing party, of a case filed with the chancery court to another court;

(iv) Trial without a jury;

(v) The ordering of mediation;

(vi) Referrals to a special master;

(vii) The streamlined and expeditious completion of discovery.

(b) The Wyoming supreme court shall establish fees and charges for the chancery court, provided:

(i) The fees and charges are established to, as nearly as practicable, fund the operation of the chancery court; and

(ii) The original filing fee is set at not less than five hundred dollars (\$500.00). The fee shall apply to original actions commenced, actions removed or transferred to the chancery court from another court and to actions that are reopened after a final decree previously has been entered.

(c) The Wyoming Rules of Civil Procedure for Chancery Courts and the Wyoming Rules of Evidence, as amended or supplemented from time to time, shall govern the chancery court.

(d) The judges of the chancery court may hold court for each other and shall do so when required by law. A judge of the

chancery court may hold court in any county where venue is appropriate.

(e) When no special provision is otherwise made by law, the chancery court shall be vested with all inherent powers that are possessed by courts of record in this state.

(f) Opinions of the chancery court shall be published by the clerk of the chancery court in a searchable electronic database.

(g) An appeal from a judgment or other appealable order of the chancery court shall be to the Wyoming supreme court in accordance with the Wyoming Rules of Appellate Procedure.

(h) As used in subsection (a) of this section, "effective and expeditious resolution of disputes between parties" means the resolution of a majority of the actions filed in the chancery court within one hundred fifty (150) days of the filing of the action.

**5-13-105. Name of court; presider.**

The chancery court shall be called the "Chancery Court of the State of Wyoming" which shall be a court of record with a seal and the judge and clerk thereof have power to administer oaths and affirmations. The chancery court shall be presided over by a chancery court judge.

**5-13-106. Term of chancery court judges.**

The terms of chancery court judges shall be six (6) years. Each chancery court judge selected under the provisions of article 5, section 4 of the Wyoming Constitution shall serve for one (1) year after his appointment and until the first Monday in January following the next general election after the expiration of the year. At the general election, he shall stand for retention in office throughout the state as provided in article 5, section 4 of the Wyoming Constitution.

**5-13-107. Judges to be nonpartisan; nomination and appointment.**

Judges of the chancery court shall be nonpartisan, shall be nominated and appointed and retained as provided by article 5, section 4 of the Wyoming Constitution.

**5-13-108. Qualifications for appointment.**

(a) To be eligible for appointment to the office of judge of the chancery court, a person shall be:

(i) A qualified elector of the state;

(ii) Authorized to practice law in Wyoming; and

(iii) Experienced or knowledgeable in the subject matter jurisdiction of the chancery court.

**5-13-109. Temporary assignment to fill vacancies; appointments to fill vacancies in office.**

(a) Prior to the appointment of a chancery court judge under subsection (b) of this section or in the event a chancery court judge appointed under W.S. 5-13-107 dies, becomes unable or unwilling to perform the duties of his office, the supreme court may temporarily assign the duties of chancery court judge to be performed by a person who meets the qualifications set forth in W.S. 5-13-108. Any assignment shall be made to:

(i) A retired supreme court justice;

(ii) A retired district court judge; or

(iii) A member of a panel of up to five (5) active district court judges selected by the supreme court to serve as a chancery court judge on an ad hoc basis.

(b) Beginning March 1, 2023, the office of judge of the chancery court and any vacancies therein shall be filled as provided by W.S. 5-13-107.

**5-13-110. Delivery of official records and papers to successor in office.**

If the office of judge of the chancery court becomes vacant by reason of death, removal from office or otherwise, the senior chancery court judge, or if there is none, the clerk of the chancery court, shall take charge of the official records and papers of the judge and deliver them to the successor in office of that judge.

**5-13-111. Jurisdiction of successor is same as that of predecessor in office.**

A judge of the chancery court with whom the records of his predecessor have been deposited has the same jurisdiction over all actions and proceedings entered in the records as if they were originally commenced before him.

**5-13-112. Salaries of judges; traveling expenses.**

Chancery court judges shall receive the annual salary provided by W.S. 5-1-110(a)(iv). When a new salary is effective for any judge of the chancery court upon new appointment or the commencement of a new term, it shall be effective for all judges of the chancery court. In addition to salary, a judge of the chancery court shall be reimbursed for traveling expenses actually incurred when the business of the chancery court requires his attendance more than five (5) miles from the place where he regularly holds court.

**5-13-113. Oath.**

Before assuming the duties of his office, a judge of the chancery court shall take and subscribe before a supreme court justice the oath of office prescribed by the constitution of Wyoming.

**5-13-114. Process extends throughout state.**

The process of the chancery court shall extend throughout the state.

**5-13-115. Purpose and jurisdiction.**

(a) The chancery court shall be a court of limited jurisdiction established for the expeditious resolution of disputes involving commercial, business, trust and similar issues. The chancery court shall employ nonjury trials, alternative dispute resolution methods and limited motions practice and shall have broad authority to shape and expedite discovery as provided in the rules adopted by the supreme court to govern chancery courts.

(b) The chancery court shall have jurisdiction to hear and decide actions for equitable or declaratory relief and for actions where the prayer for money recovery is an amount exceeding fifty thousand dollars (\$50,000.00), exclusive of claims for punitive or exemplary damages, prejudgment or post

judgment interest, costs and attorney fees provided the cause of action arises from at least one (1) of the following:

- (i) Breach of contract;
- (ii) Breach of fiduciary duty;
- (iii) Fraud;
- (iv) Misrepresentation;
- (v) A statutory or common law violation involving:
  - (A) The sale of assets or securities;
  - (B) A corporate restructuring;
  - (C) A partnership, shareholder, joint venture or other business agreement;
  - (D) Trade secrets; or
  - (E) Employment agreements not including claims that principally involve alleged discriminatory practices.
- (vi) Transactions governed by the Uniform Commercial Code;
- (vii) Shareholder derivative actions. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph;
- (viii) Commercial class actions;
- (ix) Business transactions involving or arising out of dealings with commercial banks and other financial institutions;
- (x) A dispute concerning the internal affairs of business organizations;
- (xi) A dispute concerning environmental insurance coverage;
- (xii) A dispute concerning commercial insurance coverage;



(xiii) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships, joint ventures, banks and trust companies. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph;

(xiv) Transactions governed by the Wyoming Uniform Trust Code;

(xv) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief or appeals pursuant to W.S. 1-21-801 through 1-21-804 or 1-36-101 through 1-36-119, involving any of the foregoing enumerated issues. Where any applicable arbitration agreement provides for an arbitration to be heard outside the United States, the monetary threshold set forth in this subsection shall not apply;

(xvi) A dispute concerning a trademark, trade name or service mark. The monetary threshold set forth in this subsection shall not apply to actions brought under this paragraph.

(c) The chancery court may exercise supplemental ancillary jurisdiction over any cause of action not listed in subsection (b) of this section at the discretion of the chancery court.

(d) All chancery court judges throughout the state shall have concurrent jurisdiction with all district court judges throughout the state only as to the causes of action enumerated in subsection (b) of this section and to the causes of action for which the chancery court exercises supplemental ancillary jurisdiction under subsection (c) of this section.

(e) A chancery judge may submit to arbitration any matter pending in chancery court, upon agreement of the parties as provided by W.S. 1-21-801 through 1-21-804, or upon application of either party showing an arbitration agreement and refusal of the opposing party to arbitrate as provided by W.S. 1-36-101 through 1-36-119.

(f) A chancery judge may order mediation in any matter pending in chancery court.

**5-13-116. Powers generally.**

(a) In exercising the jurisdiction granted under W.S. 5-13-115, the chancery court may:

(i) Preserve and enforce order in its immediate presence and in the proceedings before it according to the Wyoming Rules of Civil Procedure for Chancery Courts;

(ii) Compel obedience to its judgments, orders and processes;

(iii) Except as otherwise provided, control the conduct of its ministerial officers and of all other persons in any manner connected with judicial proceedings before it;

(iv) Issue summonses, subpoenas or other process in chancery court cases;

(v) Administer oaths and affirmations and take acknowledgments, affidavits and depositions;

(vi) Amend and control its process and orders to make them conformable to law and justice;

(vii) Proceed to nonjury trial, render judgment and grant writs of execution to carry into effect any order or judgment of the court; and

(viii) Punish for contempt in the same manner as district court.

## ARTICLE 2 - CLERK

### **5-13-201. Office created; salary; deputies.**

(a) There shall be a clerk of the chancery court for the state of Wyoming. The clerk shall be selected by a majority of justices of the supreme court and shall be an employee of the supreme court. The clerk shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid. The clerk shall perform the duties prescribed by law and the rules adopted by the supreme court.

(b) The clerk of the chancery court may, with the consent of a majority of the justices of the supreme court, appoint a deputy clerk. The deputy may perform all the duties of the office in the name of the clerk and the attestation of the

deputy to all decrees, orders and processes, shall have the same effect and force as if issued by the clerk. The deputy clerk shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid.

#### **5-13-202. Collection of fees.**

The clerk of the chancery court shall collect all fees and charges as required and set by the supreme court under W.S. 5-13-104(b). At the time of the original filing, the clerk also shall collect a court automation fee in the amount of one hundred dollars (\$100.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120, and an indigent civil legal services fee in the amount of ten dollars (\$10.00) which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121.

#### **5-13-203. Duties generally.**

The clerk shall receive all cases filed with the court and maintain the records of the court. The clerk shall receive, account for and pay over all money that may come into the possession of the court according to law or by rule or order of court. The clerk shall be responsible for publishing the opinions of the court as provided in W.S. 5-13-104(f) and as may be provided for by rule.